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ABSTRACT

This manual describes a grant program sponsored by the Office of Juvenile Justice and Delinquency Prevention. The aim of the program is to support sound cost-effective projects which will help assure greater accountability on the part of convicted juveniles towards their victims and communities. This manual also includes two papers. One reviews current knowledge of restitution programs and their results in the juvenile justice system. The other presents a general discussion of legal issues involved in the implementation of a restitution program for juvenile offenders. (Author)

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PROGRAM ANNOUNCEMENT

RESTITUTION BY JUVENILE OFFENDERS:

AN ALTERNATIVE TO INCARCERATION

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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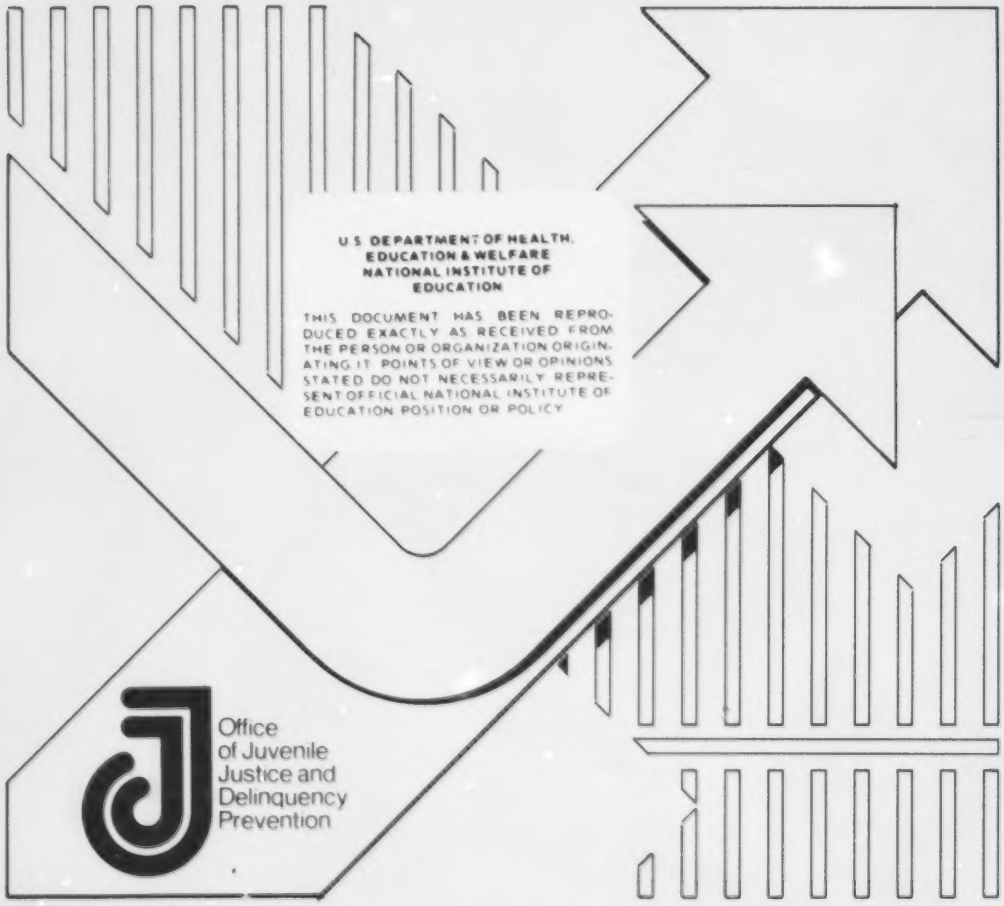

Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C. 20531

CG012549

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
WASHINGTON, D.C. 20531

PROGRAM ANNOUNCEMENT

The Office of Juvenile Justice and Delinquency Prevention is pleased to announce a new discretionary grant program entitled Restitution by Juvenile Offenders. The aim of this program is to support sound cost-effective projects which will help assure greater accountability on the part of convicted juveniles towards their victims and communities. To meet this objective, projects funded will include those which provide compensation to victims, either through payments or work, as well as projects which require appropriate community service.

Thus, while helping to assure greater victim and community support for juvenile justice, additional alternatives to costly, indiscriminate incarceration of juvenile offenders will be established. The program is specifically authorized pursuant to Section 224(a)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

Because of your interest in justice for juveniles, we felt it important to notify you. Information for the development of both preliminary and full applications is included. Pre-applications should be sent to the Office of Juvenile Justice and Delinquency Prevention by April 21, 1978.

It is intended that this program provide meaningful sentencing alternatives which increase accountability for juvenile crime. Restitution will involve monetary payments by offenders to victims, or services to the victims or the community. It is expected that applicants coordinate with community service agencies and employment programs, such as the Department of Labor's Comprehensive Employment and Training Act (CETA) program.

Your participation is encouraged and welcomed.

John M Rector

John M. Rector
Administrator

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
WASHINGTON, D.C. 20531

ANUNCIO de PROGRAMA

La Oficina de Justicia Juvenil y Prevención de la Delincuencia se complace en anunciar un nuevo programa discrecional denominado Programa Restitutivo para Jóvenes. El objetivo de este programa es el de subvencionar proyectos los cuales ayuden a asegurar una mayor responsabilidad de parte de jóvenes para con las víctimas de sus actos delictivos así como con la comunidad. Para alcanzar esta meta, proyectos los cuales podrán ser subvencionados incluirán aquellos que compensan a víctimas de actos delictivos, sea esta compensación mediante pagos en efectivo o trabajo, así como proyectos que requieren servicios en la comunidad.

De este modo, y mientras se ayuda a compensar a víctimas de ofensores jóvenes, y a la vez se aumenta el interés de la comunidad en lo que respecta a justicia juvenil, se establecen alternativas a la encarcelación indiscriminada y costosa de jovenes. El programa como tal se autoriza conforme a la sección 224(a)(3) de la Ley de Justicia Juvenil y Prevención de la Delincuencia de 1974 segun enmendada.

Ya que sabemos de su interés por los jóvenes creemos apropiado el informarle a usted sobre este programa. Información concerniente al desarrollo de solicitudes (preliminares y completas) de subvención está incluida en este anuncio. Solicitudes preliminares deberán ser enviadas en o antes del 21 de abril de 1978 a la oficina de Justicia Juvenil y Prevención de la Delincuencia.

Es nuestra intención que este programa provea diversas alternativas a jueces para bregar con ofensores jóvenes. Restitución por parte de los jóvenes incluirá pagos en efectivo o prestación de servicios a víctimas y/o a la comunidad, y por ende se espera que solicitantes coordinen sus esfuerzos con agencias que prestan servicios a la comunidad (incluyendo programas de empleos), como por ejemplo el programa del Departamento del Trabajo del gobierno federal denominado "Comprehensive Employment and Training Act."

Su participación en esta oportunidad es apreciada.

John M. Rector

John M. Rector
Administrator
Office of Juvenile Justice and
Delinquency Prevention

UNITED STATES
DEPARTMENT OF JUSTICE

LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION

Change

M 4500.1F CHG-1

February 15, 1978

Subject: GUIDE FOR DISCRETIONARY GRANT PROGRAMS

Cancellation Date: AFTER FILING

1. PURPOSE. This Change transmits supplementary pages to CHAPTER 6, paragraph 61, entitled Restitution by Juvenile Offenders, of the Guide for Discretionary Grant Programs (M 4500.1F).

2. SCOPE. This Change is in the interest of all individuals who hold the Guide for Discretionary Grant Programs.

3. PAGE CHANGES. Page changes should be made in accordance with the chart below.

PAGE CONTROL CHART

Remove Pages	Dated	Insert Pages	Dated
Table of Contents		Table of Contents	
iv and v	12/21/77	iv	12/21/77
		v	2/15/78
101 and 102	12/21/77	101 thru 118	2/15/78

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CHAPTER 6. JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAMS

60. SCOPE OF CHAPTER - RESERVED.

61. RESTITUTION BY JUVENILE OFFENDERS.

a. The objective of this program is to design and implement action projects which develop effective means of providing for restitution by juvenile offenders at the adjudication stage of the juvenile justice process after a finding of delinquency.

b. Program Description. Restitution is a process whereby an adjudicated juvenile offender makes either monetary payment to the victim, provides direct service to a victim, or engages in a community service. The focus of this program is on establishing an alternative to incarceration for adjudicated juvenile offenders. Thus, restitution may be imposed as a sole sanction or as a condition of probation or a community based placement.

(1) Problem Addressed. The problem addressed by this initiative is the lack of meaningful dispositional alternatives to incarceration which result in youth being more accountable for their behavior.

(2) Target Population. The target population is youth who have committed misdemeanors and/or felony offenses and are adjudicated delinquent as a result of a formal fact-finding hearing or a counseled plea of guilty. It is expected that projects will include juvenile offenders with varying categories of misdemeanors and/or felony offenses, including property offenses and offenses against persons. This excludes victimless crimes and the crime of non-negligent homicide. Using data on the number of youth adjudicated in 1975 and 1976, each community will define the target population by precise criteria, and develop action projects which provide for restitution by offenders as described above in Paragraph b.

(3) Results Soughts.

(a) A reduction in the number of youth incarcerated.

(b) A reduction in recidivism of those youth involved in restitution programs.

(c) Provision for some redress or satisfaction with regard to the reasonable value of the damage or loss suffered by victims of juvenile offenses.

(d) Increased knowledge about the feasibility of restitution for juveniles in terms of cost effectiveness, impact on differing categories of youthful offenders, and the juvenile justice process.

(e) An increased sense of responsibility and accountability on the part of youthful offenders for their behavior.

(f) Greater community confidence in the juvenile justice process.

(4) Assumptions Underlying Program.

(a) Restitution programs are expected to expand the dispositional alternatives available to the juvenile justice system by providing a significant alternative to incarceration.

(b) Restitution programs are expected to cause participant youth to become aware of the consequences of their acts, making them more accountable and less likely to commit new offenses.

(c) Restitution should provide the victim of a youth offense with at least partial satisfaction for the damages suffered.

(d) Public opinion regarding the effectiveness of the juvenile justice process is likely to be improved by demonstrating that juvenile offenders are being held accountable for their behavior.

c. Program Strategy. Applications are invited which propose action programs to involve juvenile offenders in restitution programs after adjudication. Although program designs will vary in relation to the resources and characteristics of the jurisdiction, all programs must:

(1) Provide for legal safeguards to protect the rights of both juveniles and victims involved in the program. (See Appendix II of the Program Announcement, under separate cover, for a discussion of the legal issues.)

(2) Involve in program planning and implementation, community service organizations, relevant public and private youth-serving agencies, and youth and residents from neighborhoods where significant numbers of youthful offenders live.

(3) Provide for the supervision of youth in community service jobs and for their transportation and subsistence while on the job.

(4) Provide an independent monitoring mechanism that will assure fair application of restitution requirements to all youth within the target population regardless of race, sex, color, creed, or socioeconomic status.

(5) Include within the program strategy a means for involving and informing the public about the program's purposes and progress.

(6) Assure the fair and accurate procedures and criteria for determining monetary restitution orders or community service requirements.

d. Preapplication Requirements. The initial application will consist of a preliminary project design of 15 pages with supporting addenda. The preliminary application must include WRITTEN AGREEMENTS which spell out court, community services and employment agency commitments, i.e., the kinds of resources to be provided or the judicial procedures or practices to be modified. Where other data are not available in time for preapplication submission, there should be an indication as to when they can be obtained and from what sources. This document should include:

(1) Project Goals and Objectives. Outline the goals and objectives of the restitution project in clear and

measurable terms (see Paragraph 61e (1) of this Chapter).

(2) Problem Definition and Data Needs. Summarize in the addenda the data and information identified in Paragraph 61e (2) (c), (d), (e) and (g) of this Chapter.

(3) Program Methodology. Develop a project design which explains in outline form the nature and scope of the proposed restitution program. Provide in this description, in summary form, all the requirements for methodology set forth in Paragraph 61e (3) (a) - (h).

(4) Provide a skeletal work plan which relates project activities to objectives in specific time frames.

(5) Provide a summary budget which outlines costs by categories for the program costs over three years with a breakdown for each budget year. Describe plans for supplementing LEAA funding with other Federal or State funds.

(6) Evaluation Requirements. Provide assurance that if selected to participate in the national evaluation your project will cooperate fully with the national evaluation effort outlined in Paragraph 61j (1) of this Chapter; and that access can be secured to essential juvenile justice data. Identify the types of data routinely recorded by the police and juvenile court and/or probation and indicate whether it is computerized or manually stored.

e. Application Requirements. These requirements are to be used in lieu of Part IV - Program Narrative Instructions in the Standard Federal Assistance Form 424. In order to be considered for funding, applications must include the following:

(1) Project Goals and Objectives. Define program goals in terms of categories of youthful offenders who will be served by the program and expected numerical decrease in youth who will be incarcerated. Define objectives for meeting these goals in measurable terms, relating them to results sought (Paragraph 61b (3)).

(2) Problem Definition and Data Needs.

(a) A socioeconomic profile of the jurisdiction with such demographic data as are necessary to document crime rates, racial/ethnic population, adult and youth unemployment, population density, school enrollment, and dropout rates.

(b) A description of the juvenile justice system and a flow chart reflecting official processing by the juvenile justice system agencies.

(c) Statistical documentation of the juveniles who were adjudicated for criminal offenses during 1975 and 1976, along with their ages, offenses, socioeconomic characteristics, and dispositions by the processing agency.

(d) A description of the statutory rules, codes, and ordinances governing juvenile behavior, including statutes which make provision for restitution and a description of administrative procedures, including formal and informal policies, which regulate or prescribe methods for responding to juvenile behavior at the adjudication stage of the juvenile justice process.

(e) A description of existing programs within the juvenile justice system or outside it, which focuses on employment, training, job counseling, community resources development, and any others that might be essential to the operation of an effective restitution program.

(f) Identification of gaps in availability of these programs, anticipated need for modification in scope or thrust of existing programs, along with an explanation of anticipated problems associated with making these changes.

(g) Describe any existing juvenile restitution programs and any current judicial use of restitution. Indicate how these will relate to this project.

(3) Program Methodology. Based upon the information provided in this Paragraph, develop a project design which provides a clear description of the following:

(a) The selection criteria for juveniles who will participate in the restitution process.

(b) The range of restitution alternatives that will be available and how they will be operationalized in an equitable and fair manner so as to provide the restitution alternative to all potential participants, regardless of race, sex, color, creed or socioeconomic status.

(c) The manner in which public service jobs or other employment opportunities for youth will be developed. Provide evidence, by WRITTEN AGREEMENT, that community service jobs and employment slots exist and that juveniles making restitution will not displace employed workers.

(d) The kind of mediation or arbitration models that will be utilized to determine the restitution requirement.

(e) The safeguards that will be developed to protect the legal rights of juveniles at the different stages of the restitution process, where there is a danger of abrogation of such rights. Minimally, such safeguards must provide legal counsel at the point where an admission or finding of guilt is made and the youth is being considered for entry into the restitution program. Provision must be made for counsel at hearings where a youth may be involuntarily terminated from the program. For a discussion of other legal issues related to restitution, see the Legal Issues Section, Appendix II of the Program Announcement, under separate cover.

(f) The required organizational structure and personnel to support the proposed restitution program. This should be spelled out in detail, specifying the tasks of each person. The applicant should make clear the extent to which the personnel needs are met by new recruits, transfers from other parts of the agency, or personnel already employed by restitution programs.

(g) The educational and public relations activities that are required to gain and maintain public understanding and support for the program.

(h) Describe how restitution will be implemented and in doing this, address each of the following:

(1) The manner in which victims and offenders will be involved in the restitution process.

(2) Procedures for terminating restitution on completion of the contract or for failure to complete the contract, and the impact of either on court jurisdiction.

(3) The effect of the completion of the restitution requirement on employment or job training undertaken as a part of the restitution order.

(4) Assistance available to support transportation, meals and equipment, and costs for youth in community service jobs where wages are not being paid.

(5) The procedures and criteria for determining the amount of money or service to be given to victims, or the kind and amount of community services.

(6) The manner in which youth, neighborhood residents, public and private youth-serving agencies, the business sector, and public and private community service organizations

will be involved in the development and implementation of the program.

(4) Work Plan. Prepare a detailed work schedule which describes specific program objectives in relation to milestones, activities, and time frames for accomplishing the objectives.

(5) Budget. Prepare a budget of the total costs to be incurred in carrying out the proposed project over three years with a breakdown for each budget year. Describe any plans for supplementing LEAA funds with other Federal, State, or private funds as well as plans for sustaining project components beyond the three-year funding period. Local, public, and private funding sources should be explored as part of this effort in order to assure that the goals of the project are consistent with the jurisdiction's overall thrust. Although, OJJDP funds may be used to support employment, projects are expected to seek and obtain funds to support employment from other sources.

f. Dollar Range and Duration of Grants. The grant period for this program is three years, but awards will be made for two years. Continuation awards are anticipated for a third year based upon satisfactory grantee performance in achieving stated objectives in the previous program year(s) and compliance with the terms and conditions of the grants. Grants will range upward from $125,000 per site per year, with the size of the grant based on the number of juveniles served, complexity of the problems addressed, and the capacity of the jurisdiction to absorb the program after this funding terminates. A 10% cash match will be required of all applicants except those selected to participate in the national evaluation. See subparagraph j(1) of this paragraph for details. However, the requirement of cash match may not be passed on to a private not-for-profit agency where it is the subgrantee or subcontractor for implementation.

g. Eligibility to Receive Grants. Preapplications are invited from courts, prosecutors, probation, intake, or public agencies who serve adjudicated juvenile offenders at the local, regional, or State level. Applicants may apply on behalf of one or more sites. Applicants are encouraged to subgrant for the implementation of program components

with public or private not-for-profit agencies engaged in planning or support of judicial operations where this will facilitate implementation of the project. In instances where the applicant agency is not the juvenile court, A WRITTEN AGREEMENT WITH THE COURT AND ALL JUDGES WHO MAY HAVE JURISDICTION OVER JUVENILE MATTERS MUST BE INCLUDED IN THE PREAPPLICATION. It should indicate that the court will utilize the project by referring adjudicated youth in lieu of incarceration. The agreement must also indicate the numbers of youth projected for referral over the life of the grant.

h. Submission Requirements.

(1) Preapplication.

(a) All applicants will submit the original preapplication and two copies to the Office of Juvenile Justice and Delinquency Prevention, LEAA, Room 442, 633 Indiana Avenue, N.W., Washington, D.C. 20531. One copy should also be sent to the appropriate Clearinghouses and SPA. The addresses of Clearinghouses are listed in the Appendix VI of the Program Announcement.

(b) Upon receipt, the Office of Juvenile Justice and Delinquency Prevention will review the preapplications in relationship to the degree to which applicants meet the full range of selection criteria and select those preapplications judged to meet criteria at the highest level. Prior to final selection, site visits may be made by OJJDP staff.

(c) Applicants determined to have elements most essential to successful program development will be invited to develop full applications. Unsuccessful applicants will be notified.

(d) Preapplications must be mailed or hand delivered to OJJDP by April 21, 1978.

(1) Preapplications sent by mail will be considered to be received on time by OJJDP if sent by registered or certified mail no later than April 21, 1978, as evidenced by the U.S. Postal Service postmark on the original receipt from the U.S. Postal Service.

(2) Hand delivered preapplications must be taken to the Office of Juvenile Justice and Delinquency Prevention of LEAA, Room 442, 633 Indiana Avenue, N.W., Washington, D.C., between the hours of 9:00 a.m. and 5:30 p.m., except Saturdays, Sundays, or Federal holidays, not later than April 21, 1978.

(2) Applications.

(a) The Restitution Program has been determined to be of national impact and awards will be made directly to successful applicants by OJJDP. Applications should be submitted to OJJDP in accordance with the format outlined in Appendix 2, Section 2, Paragraph 5 of Guideline Manual M 4500.1F, issued on December 21, 1977. The provisions of Paragraph 4b of Appendix 2, and Paragraph 5, Appendix 3, regarding State Planning Agency participation, do not apply to this program.

(b) Guideline Manual M 4500.1F will be forwarded to those applicants invited to develop full applications.

(c) Those applicants selected to submit final applications will be notified of the required submission date in their notification of selection.

(d) Technical assistance will be provided to those applicants who are selected to submit final applications to assist them in developing and refining their restitution models.

i. Criteria for Selection of Projects. Applicants will be selected with regard to the extent to which they meet the following criteria. In making final selections, consideration will be given to geographic distribution of projects, and a mix of jurisdictional sizes and types.

(1) The overall technical plausibility of the methodology and work plan of the proposal.

(2) The extent to which the program design provides for equal access to restitution components for all eligible youth regardless of race, color, creed, sex, ethnic group, or socioeconomic status.

(3) The extent to which the restitution program has a well-defined approach to either monetary payments, community services, or a combination of these.

(4) The extent to which the program provides an alternative to traditional juvenile dispositions, and reduces incarceration.

(5) The extent to which the program seeks to involve the victim in the process and the extent to which the victim actually benefits from the restitution process.

(6) The extent to which the public is informed of the program's purposes and methods.

(7) The extent to which the program provides legal safeguards for the youth involved.

(8) The extent to which completion of the restitution order or contract terminates the jurisdiction of the court or correctional agencies over the juvenile.

(9) The extent to which the juvenile offender participates in shaping the restitution contract or order.

(10) The extent to which youth, community residents, private nonprofit agencies, labor, business, industry, and community service organizations are involved in the development and implementation of the program.

(11) The extent to which there is use of new public or private funds beyond the required 10 percent cash match.

(12) The degree to which private not-for-profit agencies are used as subgrantees or subcontractors for program implementation.

j. Evaluation Requirements.

This program will be subject to an evaluation which will be fulfilled in one of two ways:

(1) Some of the action projects will be selected to participate in a national evaluation prior to the full application submission. In making this selection, consideration will be given to including a mixture of program approaches in the national evaluation. All of the projects that are selected for the national evaluation must provide assurances that they will cooperate with the national evaluation and agree to adopt random assignment procedures. Those applicants which are selected for the national evaluation and agree to participate will be required to provide a five percent match of Federal funds rather than a ten percent match. The major objectives of this evaluation will be to determine:

(a) The impact of restitution in terms of the offender's attitude towards his/her offense and in terms of offender recidivism.

(b) The extent to which restitution gave the victim a sense of redress and increased satisfaction with the juvenile justice system.

(c) The impact of the program on dispositional patterns of the juvenile justice system, and the impact on further penetration of juvenile offenders into the juvenile justice system.

(d) The impact of the program on the public's view of the responsiveness and effectiveness of the juvenile justice system.

(e) The comparative cost of restitution to alternative forms of disposition at the adjudication stage.

(2) All grantees not selected for the national evaluation have the option of developing their own evaluation plan or of not doing an evaluation. If an evaluation plan is developed, it must be submitted with the final application, and at a minimum addresse the following:

(a) The program planning process, i.e., how the goals, objectives and methodologies were selected.

(b) The number and types of youths participating in the restitution program.

(c) The role of the victim in the restitution program.

(d) How the amount and form of restitution is determined.

(e) The organizational structure and management practices of the program.

(f) The role of the youth-serving agencies, juvenile justice agencies and other community groups in the program.

(g) The impact of restitution in terms of the offender's attitude towards his/her offense, and in terms of offender recidivism (using official records).

(h) The impact of restitution upon administrative practices/procedures and policies of the juvenile justice system.

(i) The impact of the program on the public's view of the responsiveness and effectiveness of the juvenile justice system.

(j) The comparative cost of restitution to alternative forms of disposition at the adjudication stage.

(3) To support the local evaluation, add up to 15% of total project costs. The Request for Evaluation Proposals must be included in the final application.

k. Special Requirements.

(1) Assurances must be provided that access can be secured to essential juvenile justice system data (police and court records) in the form of written agreements. Data routinely collected by the police and juvenile court must be identified and labelled as computerized or manually stored.

(2) To support coordination and information exchange among projects, funds will be budgeted in applications to cover the cost of four meetings during the course of the three-year project. The first meeting will be held shortly after the grant is awarded.

(3) Section 524(a) and (c) of the Crime Control Act of 1968, as amended, provides that records used or gathered as part of the evaluation or statistical component of the program must be kept confidential. Information gathered under funds from this program, identifiable to a specific private person, can only be used for the purpose for which obtained and may not be used as a part of any administrative or judicial proceeding without the written consent of the child and/or his parent or legal representatives.

(4) Section 229 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, expands the confidentiality requirements to all program records. Thus, "except as authorized by law, program records containing the identity of individual juveniles gathered for the purposes pursuant to this title may not be disclosed except with the consent of the service recipient or legally authorized representatives or as may be necessary to perform the functions required by

this title." Under no circumstances may project reports or findings available for public dissemination contain the actual names of service recipients.

(5) The project must assure that information on offense(s) will be kept confidential and not be made available to an employer or community service agency.

1. Definitions.

(1) Restitution: is defined as payments by the offender in cash to the victim or service to either the victim or the general community, when these payments are made within the jurisdiction of the juvenile and criminal justice process.

(2) Adjudication: is the process of determining guilt or innocence in juvenile court proceedings by either a counseled plea of guilty or a formal fact-finding hearing.

(3) Disposition: is that procedure in the juvenile court process which results in the imposition of a sentence, e.g., probation or commitment.

(4) Victim Service: involves the juvenile offender providing the victim of the offense with assistance to either repair the damage done or some other comparable activity which assists the victim in accomplishing tasks at his home or place of business, e.g., repair a broken window or door, assist with stocking a victim's shelves, or cleaning work areas.

(5) Community Service: means that in lieu of monetary payment or victim service, the offender may work for a designated period for a public or private not-for-profit organization which provides human services to that community, e.g., day care facilities, mental health facilities, recreational programs, etc.

(6) Delinquency: is the behavior of a juvenile that is in violation of a statute or ordinance in a jurisdiction which would constitute a crime if committed by an adult.

(7) Jurisdiction: is any unit of general local government such as a city, county, township, borough, parish, village, or combination of such units.

(8) Juvenile: is a child or youth, defined as such by state or local law, who by such definition is subject to the jurisdiction of the juvenile court.

(9) Juvenile Justice System: refers to official structures, agencies, and institutions with which juveniles may become involved including, but not limited to, juvenile courts, law enforcement agencies, probation, aftercare, detention facilities, and correctional institutions.

(10) Law Enforcement Agency: is any police structure or agency with legal responsibility for enforcing a criminal code, including, but not limited to, police and sheriffs' departments.

(11) Private Youth-Serving Agency: is any agency, organization, or institution with two years experience in dealing with youth, designated tax exempt by the Internal Revenue Service under Section 501(c) of the Internal Revenue Code.

(12) Program: refers to the national initiative to establish restitution programs supported by OJJDP and the overall activities related to implementing the restitution program.

(13) Project: refers to the specific set of activities at given site(s) designed to achieve the overall goal of reducing delinquent behavior through the use of restitution.

(14) Public Youth-Serving Agency: is any agency, organization, or institution with two years experience, which functions as part of a unit of government, and is thereby supported by public revenue for purposes of providing services to youth.

62-70. RESERVED.

71. TECHNICAL ASSISTANCE IN JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

a. Capacity Building and Concentration of Federal Effort. Arthur D. Little, Inc., and its subcontractor, the Center for Action Research, Inc., are responsible for providing technical assistance to Juvenile Justice formula grantees. Their primary area of focus is capacity building and Concentration of Federal Effort. In addition, Arthur D. Little conducts an assessment of needs for all juvenile justice technical assistance regardless of which contractor will respond. The purpose is to provide technical assistance to OJJDP, to state and local governments, to public and private agencies, and interested groups and individuals, related to the attainment of the objectives of the formula grants program. A primary feature of the technical assistance provided is that it addresses programs delivered at the state and local level as well as the delivery system, i.e., OJJDP, the SPAs and RPUs, and related or parallel delivery systems.

b. Separation of Adults and Juveniles. The National Clearinghouse for Criminal Justice Planning and Architecture provides technical assistance to formula grantees around the issue of separation of adults and juveniles. The Clearinghouse also responds to requests relating to the programming of juvenile facilities. In addition, they provide technical assistance relating to the monitoring requirements of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

c. Deinstitutionalization and Diversion. The National Office for Social Responsibility provides assistance to Special Emphasis grantees for deinstitutionalization of status offenders and diversion. NOSR also responds to technical assistance needs of formula grantees in the areas of deinstitutionalization of status offenders and diversion. The objectives of this contract include:

(1) Provide technical assistance to 20 to 26 local grantees of OJJDP's deinstitutionalization and diversion programs that will be in operation over the next three years;

(2) Managing the provision of technical resources by a range of technical assistance providers to be identified by OJJDP and the contractor:

(3) Provision of technical resources through the contractor's own staff;

(4) TA support to relevant and interested organizations in the area of deinstitutionalization and diversion (other than special emphasis grantees).

d. For Information About Juvenile Justice Technical Assistance, contact, Office of Juvenile Justice and Delinquency and Delinquency Prevention, Law Enforcement Assistance Administration, Washington, D.C. 20531, (202) 376-3622.

72. TRAINING IN JUVENILE JUSTICE AND DELINQUENCY PREVENTION. RESERVED.

APPENDIX I

JUVENILE RESTITUTION

INTRODUCTION

This paper reviews current knowledge of restitution programs and their results in the juvenile justice system. The concept is viewed herein as a positive sanction, with particular reference to juvenile justice offenders. Although restitution is far from being a new or an innovative concept, it is currently receiving renewed interest and attention. The contemporary focus on restitution arises in part from a greater concern for the victims of offenses and also as a consequence of the increasing importance attached to establishing a much closer link between the offense and the sanction. This paper outlines the meaning of restitution within the criminal and juvenile justice process, and briefly discusses its historical development. It also sets forth the rationale for restitution programs, and reviews both their evaluations and problems of implementation.

1. STATEMENT OF THE PROBLEM

(a) Definition and Scope

Restitution may be defined as payments by an offender in cash (to the victim) or service (either to the victim or the general community), when such payments are made within the jurisdiction of the juvenile and criminal justice process. By this definition the victim of the offense is not necessarily the recipient of the payment, although under narrower definitions that would usually be the case. The definition restricts restitution to actions taken within the jurisdiction of the juvenile and criminal justice process, thereby excluding private settlements reached between parties involved in an offense.

Restitution should be distinguished from victim compensation. One observer has written that compensation is "an indication of the responsibility of society to the victim, whereas restitution, while restoring the victim, is also therapeutic and aids in the rehabilitation of the criminal." (Laster, 1970:80). It should be noted that restitution is penal in nature with correctional goals while compensation represents the state's attempt to offset the victim's losses. The connections that may exist between restitution and compensation schemes are discussed below, but conceptually they should be viewed as separate and distinct. (For a further discussion of victim compensation schemes see: Edelhertz and Geis, 1974.)

(b) Historical development

The origins of restitution can be traced to penal law of the Middle Ages which was more a law of torts than of crimes. Many historians now believe that the utility of restitution was that it provided a more rational means of dispute settlement among parties than did traditional retaliation, violence, and vengeance. A scholar of the history of restitution has noted that as the state control over compensation* gradually increased, together with its share in the compensation, there occurred a "slow separation of the rights of the victim from the penal law, and compensation became a special field of civil law." (Schafer, 1974:608). Some observers argue that renewed interest in the role of the victim in the criminal process has fostered a similar upsurge of interest in restitution. Others have been skeptical of the notion that the recent interest in restitution represents a turning of the full historical circle in terms of the victim's role in criminal proceedings, and have argued that both ancient and modern rationales for restitution have rested more with the interests of society (and indeed the offender) than with the victims of crime (Edelhertz, et al., 1975:14). The contemporary movement from an individualized model of sentencing to an emphasis on matching penalties to the severity of the offense (von Hirsch, 1976) is probably giving further impetus to the revival of interest in restitution. Although the impact of this movement is greatest in the criminal justice process its effect on juvenile justice is by no means negligible, as evidenced by decisions reached by the Commission members of the Juvenile Justice Standards Project during 1975 - 1976. They recommend restitution as one viable dispositional alternative.

(c) Stages in juvenile justice at which restitution might occur

There are several stages following the commission of an offense when decisions concerning restitution might be made. These stages, reviewed in some detail by Laster (1970:83-98), can be usefully located between the point of commission of the offense and the dispositional decisions made after adjudication.

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*Blacks Law Dictionary (4th Edition) defines the term compensation as applied in ancient law as follows: Among the Franks, Goths, Burgundians, and other barbarous peoples, this was the name given to a sum of money paid, as satisfaction for a wrong or personal injury, to the person harmed, or to his family if he died, by the aggressor. It was originally made by mutual agreement of the parties, but afterwards established by law, and took the place of private physical vengeance.

(i) Pre-administrative stage. Restitution can occur prior to police intervention. Although intervention at this stage happens outside the justice process, it appears to do so frequently. It includes, for instance, payment of restitution by parents to store owners to avoid prosecution of their children. No systematic appraisal appears to have been made of the extent or outcomes of these quasi-judicial measures.

(ii) Administrative stage. Restitution at this stage results from the mainly informal decisions made by officials of the justice process, such as police, intake officers, and prosecutors. It occurs within the context of the very considerable discretion held by such officials. At this stage restitution can also be an important component of a diversion process. Pre-administrative decisions on restitution are characteristically made without the structure of formal, written guidelines. They almost never involve the possibility of further review. Restitution as a diversion strategy is in fairly widespread use by police (Laster, 1970:85; Edelhertz et al., 1975:30) and probation officials (Larom, 1976). There are, however, serious legal issues involved with this approach (see the following section).

The problems associated with restitution decisions at this stage reflect those that characterize the diversion process. Decision-making tends to be generally unstructured and is open to unfair administration. Restitution arrangements, therefore, in many instances do not carry legal force.

(iii) Adjudication stage. Restitution is probably most often located at this stage, after a finding of involvement or guilt. It generally takes the form of a condition of probation (Best and Burzon, 1963:809; Chesney, 1975). Statutory provision also specifically authorizes the court in some jurisdictions to order restitution directly as part of a final disposition (Levin and Sarri, 1970:88-99). A recent study of court ordered restitution in 87 Minnesota counties found that it was used as a condition of probation in 19 percent of all juvenile probation cases (Chesney, 1975:150). As with the pre-adjudication stage, a wide variety of programs exist, providing for both monetary and community-service restitution.

(iv) Post-adjudication stage. Restitution decisions may also be made after the adjudication stage, with the initiative being taken by the corrections agency or paroling authority. There has been some experience with restitution programs for adults at this stage (Fogel, Galaway, and Hudson, 1972; Read, 1975) but apparently not for juveniles. Adult programs such as the Minnesota Restitution scheme (Fogel, Galaway, and Hudson, 1972) have usually made the restitution agreement a condition of parole from prison.

Given contemporary concerns regarding the negative aspects of many parole conditions (e.g., Kassebaum, Ward and Wilner, 1971) it is questionable whether it is a sound practice to locate restitution decisions at this stage.

In recent survey of juvenile restitution projects, conducted in conjunction with the development of this paper (Bryson, 1976)*, it was found that each juvenile program was confined to one stage. This was not the case in a recent survey of adult and juvenile programs in the United States and Canada, with twelve of nineteen programs located at more than one stage (Hudson, 1976:2-3). It should also be noted that most programs address either adults or juveniles, but not both. The eleven programs surveyed by Bryson were exclusively for juvenile offenders (Bryson, 1976), whereas three of the nineteen programs in Hudson's survey admitted both adults and juveniles (Hudson, 1976:2).

(d) Offense and offender types

Restitution is primarily used in connection with offenses against property (Hudson, 1976; 6). There is, however, no research evidence on which types of offenders or offenses are most appropriate for restitution programs. Most judicial and programmatic decisions have been based on ad hoc determinations that offer no evidence of differential effectiveness (Edelhertz et al, 1975:77).

One important issue regarding offender types is the extent to which the offender's perceived ability to pay (socio-economic status) is an important factor in ordering restitution. In this regard, observers have noted that some restitution programs are not operated in a manner fair to all segments of the community due to failure to develop provisions for community service restitution or for jobs that would permit offenders to fulfill monetary restitution requirements.

(e) Victim types

One premise of restitution programs is that the victims of crime should not be ignored, and selection of the target population is likely to have important implications in this regard. Contemporary perspectives of the

*The survey included a telephone interview of twelve juvenile restitution projects identified by American Institutes for Research through consultation with researchers and practitioners. Basic information on program operations and the population served was requested.

the criminal and juvenile justice processes strongly reflect the view that the victims of crimes have been all but forgotten. A particularly significant aspect of restitution is its potential for offsetting the problems created by an undue focus on offender-oriented programs which rarely take into account the circumstances and needs of victims.

2. RATIONALE FOR JUVENILE RESTITUTION PROGRAMS

The rationale for juvenile restitution programs is discussed in this section under four headings: the juvenile offender, the victim of juvenile offenses, the general community, and the juvenile justice process.

(a) Impact on the juvenile offender

Much of the rationale for restitution programs has been based on their intended impact upon the offender. Schafer has argued that through involvement in restitution the offender can be made to recognize his responsibility to the victim (Schafer, 1965:249-250); and Eglash concluded that restitution provides "a form of psychological exercise, building the muscles of the self, developing a healthy ego" (Eglash, 1958:622). It has been argued that restitution "protects the essential dignity (of the offender) by supporting a view of him as an individual capable of making decisions" (Fry, 1957). In two recent surveys of restitution programs, staff persons generally gave priority to the beneficial impact of their programs on the offender. Hudson, for example, found that in ten out of nineteen programs staff indicated that rehabilitation of the offender was the primary purpose (Hudson, 1976:3-4; see also, Bryson, 1976:11-14).

(b) Provision of victim redress

Restitution is less efficient than compensation schemes for providing victim redress. It does, however, allow for the provision of monetary reimbursement or other forms of satisfaction to the victim. In addition, restitution programs may compensate victims for burdens placed on them by the criminal justice system itself such as court time and emotional stress related to confronting an alleged offender. It has been suggested that restitution should go beyond tangible payments and reinforce the victim's sense of vindication (Goldfarb and Singer, 1973:141).

The restitution is not always made to the victim directly; many programs provide for "symbolic" restitution through community service or other work programs. Some observers feel that the more successful programs are those that inform the victims about symbolic restitution, thus allaying

some of the dissatisfaction that is likely to occur when victims are not the recipients of the restitution. A recent survey of juvenile restitution programs found that most victims had no knowledge of the symbolic restitution (Bryson, 1976:11-14).

(c) Enhancement of the public's sense of justice

Restitution programs can also make the juvenile justice process more visible to the general community and as a result may serve to increase public confidence in its administration. Meeting these objectives requires informing and involving the public. In Rapid City, South Dakota, the victim assistance officer acts as an advocate for both the offender and the victim. Additionally, victims are provided with information describing their rights, the juvenile justice process, and civil remedies as a recourse if restitution is unsuccessful (Bryson, 1976:5).

(d) Increasing the effectiveness of the juvenile justice process

Restitution programs may also serve to increase the effectiveness of the juvenile justice process. At the pre-adjudication stage restitution provides a means of diverting juveniles from the justice process, allowing the adjudicatory stage to be focused on more serious offenders. At the post-adjudication stage it serves as an alternative to incarceration, thereby reducing the number of youths confined in training schools. Sensing that this purpose may not be served, the Committee for the Study of Incarceration has warned: "Once criminal sanctions are given a semblance of beneficence they have a tendency to escalate: if, in punishing, one is supposedly doing good, why not do more?" (von Hirsch, 1976:121). Likewise, a report by the National Assessment of Juvenile Corrections has added: "One of the most provocative questions surrounding the general movement toward community corrections is whether the states that develop community programs use them to replace training schools or use them in addition to training schools" (Sarri and Selo, 1975:14). Similar concerns are also appropriate when considering restitution as a diversion device. An unanticipated consequence may be the widening rather than the reduction of the juvenile justice network of control (See generally, Lerman, 1975).

(e) Potential cost savings

Restitution programs may represent a cost savings to the criminal justice system. This would include savings which result from a reduction in the number of youths who would have been incarcerated or placed with community agencies, as well as a reduction in probation costs.

On the other hand, such programs may increase costs in terms of staff time required to determine the amount of restitution and to supervise the youth assigned to make restitution.

3. EVALUATION OF RESTITUTION PROGRAMS

Previous research and evaluations of juvenile restitution programs have been so limited and inconclusive that virtually no scientific knowledge exists concerning the impact of restitution on the offender, victim, community, or costs of the criminal justice system.

Three of the better-known juvenile restitution programs (Seattle, Maryland, and Las Vegas) have had relatively sophisticated evaluations. The Seattle program consists of three community accountability boards operating in certain sections of the city. Each board includes persons from the neighborhood who develop a restitution plan for the youths. Evaluations of the three Seattle components indicated that two of them almost certainly have reduced juvenile recidivism and lowered the overall crime rate in the program areas compared with the rest of the city. The Seattle studies, however, were not able to distinguish conclusively the impact of restitution from the impact of other "treatments" received simultaneously by the youths. Preliminary evidence suggests that those youths in the programs which dealt strictly with restitution would do better than youths in any of the other available programs.

The Maryland program involves an arbitration officer who negotiates a restitution agreement between the juvenile and the victim. Comparisons of the arbitration program with pre-program youths and with a concurrent group of juveniles handled through normal intake procedures show no difference in recidivism rates. The study, however, did not examine costs and there is no way to determine whether any one approach could be judged "superior" due to lower costs without any increase in recidivism. The evaluation of the Maryland program indicated that victim involvement generally had no negative impact except that victims tended to view the offender and the offender's family in a somewhat more negative perspective after the arbitration hearing.

An evaluation of the Las Vegas restitution program focused on characteristics of youths who were most likely to make restitution payments. A similar study was made of the Minnesota restitution program which included some juveniles as well as adults (Chesney, 1975). In addition, there have been several studies examining characteristics of juveniles who are most likely to be "successful" in paying court-ordered fines. (Although simply paying a fine is quite different from the restitution concept, the difference may not be particularly marked for the juvenile especially if he is required to perform community service in order to pay the fine.) The Las Vegas study suggests that a positive self-image, parents who view the youth as essentially "good", and prior employment of the youth are the three most important factors in determining whether the youth will be able

to complete the restitution program. The Minnesota study identified five factors of importance to successful restitution: older age, higher socio-economic status, smaller amounts to pay, not having a probation officer as the intermediary for payment, and a payment period that corresponds to the full length of probation. One study suggests that youths who perform community work in order to pay fines will work more hours if a contingency contract is negotiated with them. Youths who were able to "purchase" special activities each week with hours of work put in more time than youths who were able to "purchase" time off of probation. Juveniles who could earn special activities and time off probation worked more hours than either of the two other groups. (Fitzgerald, 1974).

Studies of the impact on juvenile recidivism of fines vs. probation are inconclusive. Some suggest that fines are more effective in reducing recidivism; others argue for probation. Many studies agree, however, that fines are more effective than probation in reducing recidivism among first offenders.

The studies generally focused on only one type of restitution program, operating in only one way, and therefore provide very little information that is useful as a guide for program managers attempting to structure and implement restitution programs. In addition, the studies have not determined whether restitution is effective in relation to juvenile recidivism or victim attitudes; or if it is a less costly yet equally effective type of treatment.

The purpose of conducting an intensive evaluation for the restitution programs funded under this initiative is to provide information that will be useful to program managers and funding agencies concerning the characteristics and impact of different types of restitution programs. More specifically, the major objectives of the evaluation are to determine whether restitution is more effective than other types of treatment or court procedures and/or whether it is equally effective but less costly. Effectiveness is to be measured in terms of juvenile recidivism, juvenile and victim attitudes toward the system, and the sense of "justice" held by major participants in the system.

4. PROGRAMMATIC ISSUES AND PROBLEMS

A number of important programmatic issues arise in the implementation of the restitution concept.

(a) Monetary versus service restitution

Restitution, as we have defined it, can be made in money, service, or a combination of the two, either directly to the victim or to the community in general. The choice, and the mechanisms for its administration, must address special problems when juveniles are to be the providers. What part should be played by parents in financial restitution ordered against

their children? How is employment for juveniles to be secured and adequate supervision of work tasks to be provided? How can the work be scheduled around school commitments? How is transportation to and from work sites to be arranged?

A variety of alternatives have been tried. Some unpaid community service projects have developed because of the difficulties in securing paid openings for juveniles (Bryson, 1976:8). Ann Arundel County, Maryland's Community Arbitration program has been successful in combining volunteer work assignments with minimal utilization of monetary restitution. Other projects, such as the one in Multnomah County, Oregon, have attempted to place juveniles in volunteer agencies where tasks may be related to the offense (e.g., vandals repair damaged property).

When restitution is used as a condition of probation it generally takes the form of monetary payments to the victim, with the probation officer acting as the intermediary (Chesney, 1975:153). Current efforts apparently place more emphasis on monetary restitution than upon restitution in the form of services to either the victim or the community, although several of the projects reported that both forms were ordered in many cases. When service restitution was ordered it was more often directed at the community than at the victim. (Hudson, 1976:4,5). A survey of juvenile restitution programs found a varied picture ranging from direct monetary restitution to the victim to work programs in which the offender was allowed to retain some of the money earned. (Bryson, 1976:8).

A study of monetary restitution in Minnesota indicated that its use by juvenile courts favored white, middle class offenders. The author commented: "It is clear that the most important determinant of whether an otherwise eligible defendant was ordered to make restitution was his presumed 'ability to pay'.... Clearly, a large group of offenders, in whom the courts had little faith that restitution would be completed, were not ordered to make restitution." (Chesney, 1976:28). This finding points to the more equitable possibilities for restitution through service programs in those situations where it is not possible to extend monetary restitution to all offenders. Service and monetary programs may sometimes be closely integrated. The program may facilitate earning opportunities for the juvenile so that the victim might receive monetary restitution. Alternatively the earnings of offenders in such programs might be used to supplement the cost of a victim's compensation scheme.

(b) Full or partial restitution

Restitution may involve full or partial payment (in money or in kind) by the offender. Arguments for partial restitution have been voiced by the President's Commission on Law Enforcement and Administration of Justice, which recommended: "Perhaps the best approach is for the probation officer to include in his pre-sentence report an analysis of the financial situation

of the defendant, an estimate of a full amount of the restitution for the victim, and a recommended plan for payment" (Task Force on Corrections, 1967:35). The American Bar Association (Standards Relating to Probation, 1970:49) has urged that "restitution... should not go beyond the probationer's ability to pay."

However, Galaway and Hudson have countered that: "Full restitution would seem preferable to partial or symbolic payment. Since restitution provides the offender with an opportunity to undo, to some extent, the wrong he has done, the more complete the restitution, the more complete the sense of accomplishment the offender gains" (Galaway and Hudson, 1972:405).

A survey of juvenile restitution programs found that something less than full restitution was generally required (Bryson, 1976:7). In a recent survey of nineteen programs, most of which involved adults, it was found that thirteen stated that full restitution was obligated for over 80 percent of the cases. The author noted that this was somewhat surprising given the national policy statements in favor of partial restitution tailored to the offender's ability to pay (Hudson, 1976:6).

(c) The need for guidelines and procedures to structure discretion

In many instances, considerable discretion is exercised by officials at the various stages of the juvenile justice process where restitution decisions are made. One observer has noted: "The disadvantages of restitution at the police level pertain to the entire system of criminal justice. Allowing a policeman to mediate a dispute places too much discretion in untrained hands. There are no criteria to guide the policeman in determining when or what kind of restitution should be ordered, nor is there an adversary proceeding to determine the exact amount of the victim's loss" (Laster, 1970:85).

Although this problem is especially acute at the pre-adjudication stage, it is of importance also at the adjudication stage, where guidelines concerning its use are required if fairness is to prevail. An issue that may arise, depending upon program design, is the possibility of veto power by the victim over the offender's participation. Hudson found this to be a possibility in six out of nineteen programs surveyed (Hudson, 1976:8).

(d) Relationship of the victim to restitution programs.

The victim of the offense is not necessarily the recipient of the restitution payment. As stated earlier, restitution may take the form of community service resulting in no direct benefit to the victim.

When the victim is the recipient of restitution, several considerations arise:

(i) Identification of the victim. This is not always a simple task.

In many cases the victim is not an individual but a corporate entity (AIR, 1976:6). A further complication arises when the victim was covered by insurance and has already collected. A recent survey of mainly adult programs found that the usual pattern was for third-party victims to be recompensed in the same manner as direct victims (Hudson, 1976:8).

(ii) Involvement of the victim in determination of the restitution. Victim involvement at this stage of the process takes several forms. Some pre-adjudication programs have involved the victim in an arbitration hearing which took place in lieu of a juvenile court adjudication. Direct offender-victim contact, however, is unusual, possibly because of victim anxiety. Five of the adult programs surveyed directly and personally involved the victim and offender in most cases; in nine cases, this happened infrequently; in the remaining five programs, such involvement never occurred (Hudson, 1976:6).

One concern expressed by program personnel is that victims sometimes over-estimate the loss suffered in the offense or the extent of the damage incurred (Bryson, 1976:7,6). One program director commented on another problem: "... Some victims reacted negatively when the juvenile was not directed to make monetary restitution. By virtue of the fact that they were interviewed regarding their losses or damages, they assumed that they would be reimbursed. When monetary restitution was not considered or ordered, they became aggravated. Therefore, careful attention had to be given to a clear understanding on the part of the victim regarding what could be expected from the juvenile and the court" (Bryson, 1976:17).

(iii) Nature of the victim-offender relationship during the restitution process

There is no ready agreement in the literature as to the extent that the victim-offender relationship should be personalized and the two parties brought into direct contact with each other. On one side, Eglash has stated: "Reconciliation with the victim of an offense creates a healthy, giving relationship" (Eglash, 1958:620); while it has also been argued that: "It seems questionable whether a victim should be twice penalized; first by the crime and then by being asked to assume a burden because he has already been wronged. In addition, however, it may force the victim into a situation which is uncomfortable, or even fear-producing" (Edelhertz et al., 1975:79).

Galaway and Hudson, who were involved in the Minnesota Restitution Center (for adult offenders), which did attempt to achieve victim-offender interaction, have cautioned that for the present, an open mind should be kept with regard to the issue (Galaway and Hudson, 1972:409). In the AIR survey it was found that victim participation was limited to some involvement in the determination of the restitution due; no programs involved victims in the later stages of the restitution process (Bryson, 1976:7). In another survey it was reported that when written agreements are enter-

ed into by the offender, the victim is rarely involved (Hudson, 1976:6).

There may be cases where the victim does not wish to be involved in any aspect of the restitution process; others where the victim desires no involvement beyond the receiving of restitution through a third party. The personal views of the victim should be an important determinant in the shaping of restitution programs. Chesney, in his study of the use of restitution as a probation condition in Minnesota, reported: "It is (also) recommended that victims be offered greater involvement with the process of restitution. Victims who have been involved with the determination of whether restitution should be ordered or in the determination of its amount and form were more likely to be satisfied with the restitution as ordered by the court. The victims who were least satisfied with the restitution as ordered, regardless of whether it had been completed, were those who were not notified whether restitution was ordered, and those who felt that the police, court, or probation officer had not adequately communicated with them... Victim involvement was also positively associated with the successful completion of restitution." (Chesney, 1976:29; emphasis in orginal).

(e) Informing the public of the work of restitution programs

In addition to informing the victim, it is also important that the public be informed as to the operation of restitution programs. In the AIR survey, at least one program acknowledged that not enough was done in this regard (Bryson, 1976:13). One study of a pre-adjudication arbitration scheme (which has a large restitution component) found that police administrators were generally unaware of how the program worked and were left with the impression "that absolutely nothing is done to a youth besides a simple warning in a majority of cases" (Morash, 1976:10).

(f) Level of offender involvement in shaping the restitution program

To the extent that restitution has a rehabilitative purpose, the issue of juvenile involvement in the shaping of the program is important. Eglash appears to assume that the offender voluntarily enters into "creative restitution" arrangements. He comments: "Although restitution is a voluntary act, an offender needs guidance.... A man, who, as a result of guidance, finds the zestful satisfaction which comes from creative restitution, will continue this process" (Eglash, 1968:621). Entering into a restitution arrangement within the criminal justice process is, however, not likely to be a totally voluntary act on the part of the offender. Even at the pre-adjudication stage when the program may be without formal sanctions, the offender will usually be influenced by the alternative courses of action that may be taken. In the AIR survey, one program located at the pre-adjudication stage reported that it relied heavily on "bluffing" juveniles into participation (Bryson, 1976:11).

The most appropriate course is probably to make explicit the coercive

aspect of the restitution arrangement, and thereafter to maximize offender involvement in the shaping of the actual program. This approach is consistent with the extensive literature which holds on both ethical and pragmatic grounds that offender participation in rehabilitation programs should be voluntary. (See e.g., American Friends Service Committee, 1971:98-99; von Hirsch, 1976:11-18.) In addition, it should be noted that restitution planning which does not involve the offender may further embitter and alienate him, rather than provide for his rehabilitation (Edelhertz and Geis, 1974:6).

In Hudson's survey of nineteen programs, it was reproted that in fourteen there was some degree of choice in being referred or admitted to the program. Hudson notes, however, that choice in this context is substantively meaningless (Hudson, 1976:7). The AIR survey found that the offender had little say in the development of the restitution plan in any of the programs (Bryson, 1976:8).

(g) Administration of restitution and manpower problems

A number of problems arise in the administration of restitution programs. Many of these surface in relation to the utilization of service programs: the finding of jobs relative to the skills of the people involved, maintaining the employment situation, and supervision of the work program (Hudson, 1976:9; Bryson, 1976:9). The survey of juvenile programs found that seven of the eleven programs reported the use of volunteers (both to offset manpower shortages and to enhance community involvement and awareness of the program). The recruitment and training of volunteers makes demands on the time of the professional staff, and at least one program reported that the regular probation staff resented the extra work demands created by the restitution program (Bryson, 1976:11-14).

The program announcement attaches importance to program designs taking into account the danger of over-extension of available resources in the establishment of restitution programs. Both surveys reported that the expectations of victims can be raised to an unrealistic degree, and that victim dissatisfaction can result (Hudson, 1976:9; Bryson, 1976:10). One juvenile program provided this advice in its response to the survey: "If social service for the victims of juvenile offenses is to be the focus of a planned victim assistance program, then a detailed analysis of anticipated volume, priorities for limiting that volume, and sufficient staff to render the proposed service should be made. Further, the staff should have a good working knowledge of community resources and needs" (Bryson, 1976:15).

(h) Scope of Restitution

Determining the scope of restitution raises several important questions, not the least of which is, should the amount of restitution be limited to the specific petitioned offense or should it include other petitioned or unpetitioned offenses?

Under Federal law, 18 U.S.C. 3651, restitution is limited, when applied as a condition of probation, to "actual damage or loss caused by the offense for which the conviction was had." In addition, Federal appeals courts have usually required that a probation condition calling for restitution be related to the offense and limited to the actual amount suffered (Laster, 1970: 90-96; Best and Burzon, 1963: 809; Fisher, 1975: 68-69). Moreover "most formal and informal programs privide restitution only for actual damages, and not for common-law damages such as pain and suffering." (Edelhertz, 76:65).

Once a determination is made on how to relate the amount of restitution required to the offense, it then becomes necessary to determine the amount of damage associated with the offense. Attaching monetary or in-kind (e.g., community service) value to criminal offense events poses problems but these are no more complex than those addressed when determing civil damages. In most instances the concepts and procedures for establishing out-of-pocket civil damages can serve as a guide for determining the value of damages related to criminal offenses. Projects should be aware that in many instances victims tend to overstate damages and offenders tend to understate them (Hudson, Galaway, Chesney, 77: 316). It is important to develop clear criteria for establishing damages that are fair to both parties. Failure to do so may lead to victim dissatisfaction and offender disillusionment with the program (Hudson, 77: 316).

Some of the issues that may be encountered in arriving at the amount of damages are:

(i) Insurance coverage, damages sought in civil court, or the decisions of a victim's compensation scheme;

(ii) Relative amount of restitution due when more than one offender was involved in the offense;

(iii) Findings against co-defendants when dealt with by another court;

(iv) Degree to which the offense was precipitated by the victim (see Fooner, 1966). Hudson found that only two out of nineteen programs attempted to take this consideration into account (Hudson, 1976:7).

(v) Any awards made under workmen's compensation schemes.

(i) <u>The Combination of Restitution and Other penalties</u>

Restitution may be imposed as a sole sanction or in combination with other measures. Schafer has written: "While it appears reasonable to use correctional restitution as one method of dealing with criminals, if it were the only punishment available for crime, it could weaken the sense of wrong-doing attached to the crime -- besides reducing the deterrent effect

and potential. The social and penal value of correctional restitution might be destroyed if individuals were permitted to compromise crimes by making restitution: thus punishment should not be replaced by restitution." (Schafer, 1974:634-35).

It has also been suggested that restitution adds a "constructive aspect" when used as part of the probation process (Cohen, 1944) and provides a rational for work programs within the correctional institution (Jacob, 1970:164-65). A recent survey of courts by the Institute for Policy Analysis revealed that 95 percent of the 114 courts that responded use restitution in conjunction with probation (Institute of Policy Analysis, 1977)*.

Moreover, in the survey of nineteen restitution programs it was found that ten programs required offenders to also be involved in various forms of individual or group counseling (Hudson, 1976:8). The impact of these additional requirements is unclear at this time and should be a focus of further study.

(j) Enforcement Issues

Restitution orders or agreements are generally bolstered by the threat of a further sanction should the individual default, e.g. probation may be revoked. The previously cited survey by IPA where 114 courts reported they used some form of restitution, indicates that 39 percent (42) of the cases are handled by probation officers in an informal manner; 24 percent (26) were handled by the court. Twenty-five percent of the restitution probationers had their probation revoked; 20 percent (21) had their probation extended and 10 percent (11) were incarcerated (I.P.A. 1977).

In the survey conducted by Bryson for AIR, three of six programs located at the adjudication stage reported difficulties related to enforcement and sanctions (Bryson:9). Respondents indicated that there were insufficient sanctions for noncompliance and in some instances probation officers resisted initiating revocation proceedings because of the additional workload (Bryson:9). To avoid some of the enforcement issues, it is important to set forth precisely what the restitution contract or order involves so that the offender and other parties involved are certain as to what is required and what the consequences are for failure to complete the restitution.

When sanctions are applied for failure to complete restitution, such as revocation of probation, it is important to recognize that there is

*Two hundred juvenile courts were randomly selected from the total number of juvenile courts to receive mailed questionnaires. One hundred thirty six responses were received, of which 114 indicated they use some restitution. Basic descriptive information and limited attitudinal data were collected.

need for due process protections. This has been underlined by case law developments with regard to revocation proceedings. (See Gagnon v. Scarpelli, 411 U.S. 778 (1973)).

(k) Termination of the restitution process

Restitution programs vary as to whether the time span of the restitution arrangements is carefully prescribed at the outset, or whether the offender is able to carry it out at his own pace. When the restitution process is one of several program components the duration of the offender's involvement may well be determined by these other considerations (Mowatt, 1975:207). It has been forcefully argued by some observers that the sanction be terminated on completion of the payment or the work program (Smith, 1965:48-49). In Hudson's survey it was reported that in ten of the nineteen programs the offender was sometimes discharged from the program on completion of the restitution obligation. In seven programs such discharge was universal and automatic. Seven programs indicated that it was highly important for restitution to be completed for the offender to be discharged (Hudson, 1976:8). The survey of eleven juvenile restitution programs found a varied pattern in terms of termination. In one program the amount of restitution was divided by the number of months of probation to determine monthly payments due. It was found that in some programs scheduling and transportation problems affected the length of time in the restitution program (Bryson, 1976:9).

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APPENDIX II

EDITOR'S NOTE

The following paper is intended to be a general discussion of legal issues involved in the implementation of a restitution program for juvenile offenders, and not specific legal advice for a program in a given jurisdiction. For such legal advice consult with counsel for your agency.

LEGAL ISSUES IN THE OPERATION OF RESTITUTION PROGRAMS

Introduction

In recent years there has been a growing trend toward the adoption of restitution programs as a means of sanctioning criminal offenders and providing relief for their victims. A number of researchers and professionals in criminal justice have dealt with the varying definitions of restitution and the purposes of different types of programs.[1] In addition, there exist descriptions of restitution programs that have been implemented on an experimental basis.[2]

This paper examines the logical and constitutional problems posed by different methods of ordering restitution, and discusses the numerous legal issues that arise in the operation and design of restitution programs. In addition, guidelines will be suggested for the implementation and operation of new restitution programs, with emphasis given to the unique problems presented by ordering restitution in a juvenile court setting.

It should be emphasized that in those states which already have case law on the subject of restitution, persons planning restitution programs should consult that case law first. This paper will explore how states have resolved particular restitution issues and suggest alternative methods for resolving such issues.

Design and Implementation of Restitution Programs

One of the first questions raised in the design and implementation of a restitution program is determining at what stage of the proceedings restitution is to be ordered. Many persons argue that the juvenile court is most effective if it treats youths in an informal setting with a minimum of formal court procedures.[3] On the other hand, there are many supporters of the proposition that juveniles can be better treated through a system with more formalized judicial procedures.[4] There is no consensus at this time as to which approach is the more effective treatment.

An informal stage of the juvenile court process is generally considered to be one which does not involve a judicial officer. For example, a youth may be referred to juvenile court for a particular offense, meet with a probation worker to discuss his offense, and then agree to meet with that worker for treatment purposes. This would be considered an informal procedure, since no judicial officer was involved.

On the other hand, formal procedures involve a judge or other judicial officer. The adjudication and dispositional phases are often separated. At the adjudication phase the court makes a finding as to whether a youth within the court's jurisdiction. Generally a petition is filed alleging that a youth is within the jurisdiction of the juvenile court because of acts allegedly committed. The state then has the burden of proving that the youth committed those acts. The youth can be found within the court's jurisdiction either by admitting the allegations of the petition filed, which is analogous to a guilty plea in adult court, or by the state proving the allegation true at a fact-finding hearing. It is considered a formal court procedure if a judge approves the guilty plea or presides over the fact-finding hearing.

Aside from the merits from a treatment point of view of handling youths informally or formally, where restitution is concerned close attention must be paid to the constitutional rights of the juvenile. A juvenile required to pay restitution is denied his property in that he must pay monies to crime victims or some other third party, and is denied liberty in that the juvenile is required to perform certain acts he otherwise would not have to perform in order to meet the restitution requirement. The Fifth and Fourteenth Amendments of the U.S. Constitution provide that persons can not be denied property or liberty by the Government without due process of law. It seems clear that due process requires a judicial determination of a youth's responsibility for committing certain acts, before that youth is required to meet a restitution requirement. Thus, it may raise serious constitutional problems to require restitution during an informal stage of the proceedings.

Further, questions of involuntary servitude may be raised when a youth is required to work in order to comply with a restitution requirement before there has been a judicial determination of that youth's responsibility for committing an offense. The Thirteenth Amendment to the U.S. Constitution provides:

> Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

The argument could be made that the Thirteenth Amendment prohibits labor ordered as part of restitution when the youth has not been convicted of a crime or found to be legally responsible for committing an offense. However, if restitution is ordered at a post-adjudication stage, this problem should be eliminated, since at that point the youth would be considered to be a ward of the court. In Maurier v. State[5] the Georgia Court of Appeals held that an order of restitution was not invalidated

under the Thirteenth Amendment since the defendant had already been convicted of a crime. In order to avoid any Thirteenth Amendment challenges, the restitution program should focus on rehabilitating offenders or compensating victims rather than on obtaining a cheap source of labor.

The next question is the extent of judicial involvement necessary to meet constitutional requirements of due process. Clearly it is desirable for a neutral and detached judge to be involved at some stage of the proceedings, before a juvenile is required to comply with a restitution requirement. Where restitution is to be ordered, the court, in the interests of efficient administration, may wish to have the probation department do much of the preliminary investigation concerning the amount, type, and method of restitution payment. How much of this responsibility may a court delegate to the probation department before the rights of the juvenile are violated? The New Jersey Supreme Court, in In the Interest of D.G.W.,[6] held that the juvenile court judge has ultimate responsibility for ordering the amount and terms of restitution and it cannot delegate this responsibility to the probation department of the court. Prior to this court ruling, the practice in New Jersey was to allow the probation department to investigate the nature and extent of personal and property damage caused by the juvenile acts, prepare a final report, and then make the final decision on the amount of the restitution. The New Jersey Supreme Court stated that it was proper for the trial court to allow the probation department to investigate the situation and make a recommendation for restitution, but improper for the court to delegate its responsibility for making the final order of restitution to the probation department.

Summary

Juvenile court proceedings are generally divided into an adjudicatory or guilt-determining stage whereby a youth is found to be within the court's jurisdiction and a dispositional stage which is analogous to the sentencing phase of adult court. Programs, to be safe from legal attack, should require a finding by a neutral and detached judicial officer that a youth has committed the acts he is alleged to have committed before he is eligible for a court-sponsored restitution program. This finding may either be after a counselled admission of responsibility by the youth or after a fact-finding hearing.

In addition, the court should be the one to make the final order as to the amount, type, and method of meeting the restitution requirement. The court, however, may delegate to the probation department the authority to investigate the circumstances of the juvenile's acts, and the type and amount of damage caused by these acts.

Due Process Rights Which Must Be Afforded at the Stage of Proceedings Where Restitution is Ordered

Once it is determined by whom restitution is to be ordered, the question arises as to what procedures must be followed to assure that a person's constitutional rights are not violated. This analysis is a two-step process: Does the right of due process apply at this proceeding and if so, what procedures must be followed to safeguard these rights?

The Supreme Court has held that rights to due process apply at sentencing proceedings,[7] as well as at proceedings to revoke probation[8] or parole.[9]

It is clear that restitution involves a youth's right to property in monies to be paid to comply with the restitution order and his right to liberty in freedom from probationary requirements. Thus the first question, whether the right of due process applies at this stage of the proceedings, must be answered affirmatively.

The next question, what procedures should be followed so that these rights are safeguarded, is more complex. In recent years the courts have held that due process rights apply to a wide variety of proceedings. In each of these cases the Supreme Court has avoided stating specifically what procedures must be followed in order for due process requirements to be met. The general approach in these cases is to balance the state's interest in orderly and efficient administration of justice with the individual's interest in protection of rights to property and liberty.

The New Jersey court, in In the Interest of D.G.W., held that a juvenile and/or the juvenile's attorney are entitled to examine the probation department's restitution report and recommendation. In addition, the juvenile is entitled to present evidence at the sentencing in his own behalf, and may object to statements contained in the probation department's report.

Summary

A restitution order affects an offender's right to property in the monies he will be required to pay to the victim and the offender's right to liberty in his freedom from "probationary" conditions. It seems clear that the youth's rights to due process and right to counsel apply at a stage of the proceedings where a restitution order may be entered.

The extent of rights which must be afforded a juvenile are flexible and involve balancing the state's interest in an orderly restitution program with the offender's interest in protection of his rights. Rights to

which courts have suggested that juveniles are entitled include the right to examine the probation department's report recommending restitution and to object to statements in that report, and the right to present evidence at the hearing at which restitution is ordered.

Method of Determining Amount of Restitution

This section will discuss the factors which courts have suggested should be considered before the amount of restitution is determined. The next section will deal with the complicated question of the amount of victim loss for which the criminal offender should be held responsible.

The restitution award should be determined with consideration for both the offender and the victim. The primary purpose of restitution, however, is to rehabilitate the offender. Thus, the primary consideration in entering a restitution order should be the impact that order will have on the offender. The theory often suggested to support the notion that restitution is a rehabilitative tool is that an offender will be rehabilitated if he is made aware of the loss his criminal acts have caused and if he is made to feel some responsibility for remedying the loss. In People v. Richards[10] the California court suggested that a trial court should consider the following factors when making the restitution order: the offender's characteristics, his prior offenses (if any), the offender's state of mind when the offense was committed, and the extent and nature of loss caused by the offender's acts.

One of the most easily discernable client characteristics is the offender's ability to pay any potential restitution order. Should the ability to pay be considered by a court when it is considering entering a restitution order? States answer this question differently, but the majority say yes.[11]

The states in the majority reason that it would be improper for a court to revoke probation merely because the offender is unable to pay restitution, since that would be similar to imprisoning a person for inability to pay a fine which is constitutionally impermissable.[12] Thus these states hold that a trial court must determine, after making findings of fact, whether or not an offender can or will pay the amount of restitution ordered.[13]

Other courts have held that the only requirement for a condition of probation is that it be fair and reasonable. If restitution as a condition of probation is otherwise fair and reasonable, the mere inability of the offender to pay will not in and of itself make it unfair and

unreasonable. This question will be discussed further in the section dealing with methods of enforcing the restitution.

Summary

In determining the amount of restitution the court should consider the following factors: the nature of the loss caused by the offender, the prior offenses, if any, of the offender, and whether or not the offender was acting with malice at the time of the offense.

In setting the amount of restitution, the court should consider the offender's ability to pay, because the order may later be subject to attack if there was no finding of fact concerning the offender's ability to pay and subsequently there is an attempt to revoke the offender's probation on these grounds.

Scope and Amount of Restitution Order

By far the most complex issue in the area of restitution and the one which has generated the most litigation is the question of how to determine the scope of the offender's liability for injuries which may have resulted from his criminal activities. The cause of the problem is that restitution affords a civil remedy, i.e., compensation for injuries suffered by victims of crimes, in what is otherwise a criminal proceeding. Crime is traditionally defined as an offense against the public at large for which the state on behalf of the public institutes a proceeding. The purpose of the criminal prosecution is to vindicate the state's interest by proving that a particular defendant is responsible for certain acts. Once that person is convicted, the criminal justice system attempts to punish and/or rehabilitate the offender. A civil personal injury proceeding, on the other hand, is commenced by an injured party and maintained by that party in order to seek compensation for his injuries from the party or parties that caused the injury. If the injured party is successful, he obtains a judgment against the wrongdoer which he may enforce and collect compensation from the defendant.

The theory of restitution is that once a person is convicted of an offense, that person will be rehabilitated or reformed if he is made aware of the loss caused by his criminal acts and if he is held responsible for remedying these acts. In addition, restitution serves to compensate victims of crime. However, a finding by a criminal or juvenile court that a person is guilty of a certain offense is not the same as a civil finding that that person is liable to the person who was injured by those acts. In a civil proceeding, due process requires that a defendant be given notice of the complaint brought against him by the

injured party and the amount of damages the injured party seeks to recover. The defendant in a civil proceeding may assert the defense of contributory negligence; that is, that the plaintiff's acts contributed to his own injury and therefore the defendant is not liable or only partially liable for the plaintiff's injuries.

The issue at a criminal trial is not whether the defendant is responsible for the victim's injuries but rather whether the defendant has committed an offense against the state. If, for instance, a defendant is charged with theft of a car and the car belonged to the victim, the scope and amount of restitution is relatively easy to determine--the court would require the defendant to return the victim's car. If, on the other hand, the defendant is charged with negligent homicide in the death of a woman and her child, what is the appropriate amount of restitution the defendant should be required to pay to the husband who is the survivor of the accident?[14]

An initial problem in determining the scope of a restitution order is to decide whether a defendant should be required to pay restitution only for the direct consequences of the particular crime he has committed, or whether the defendant may be held responsible for indirect consequences of his crime or for injuries caused by other crimes he has not yet been tried for. The state courts have not answered this question with any uniformity. Some state courts hold that a defendant may be required by a restitution order to pay for losses which exceed the losses caused by the crime for which he was convicted.[15] These courts reason that the primary purpose of restitution is to rehabilitate the defendant. Thus the purpose of entering a restitution order is not to determine the defendant's liability in a civil sense, but rather to set conditions of probation which are likely to reform the offender. A restitution order in these states would be upheld on appeal if it were shown that the restitution requirement was likely to rehabilitate the offender even if the amount of restitution exceeded the losses caused by the crime for which the defendant was convicted. In People v. Miller[16] the defendant was convicted of fraudulently obtaining $821. The defendant was placed on probation upon the condition that the victim be repaid the $821. Subsequently, the trial court modified the restitution order to include losses suffered by other victims of the defendant's fraudulent acts which were not related to the crime for which the defendant was convicted. This modification was upheld on appeal. The appeals court held that a restitution order which exceeds the losses caused by the crime the defendant was convicted of is valid if it is shown that that order is likely to rehabilitate the defendant. The California courts do not pretend to assess the offender's civil liability to the victim, but determine the amount of restitution according to whether the amount requested is likely to rehabilitate the

offender. Most courts, however, do not take the California approach and limit the offender's restitution order to losses which are direct consequences of the criminal acts for which he has been convicted.[17] These courts reason that it is inappropriate for a restitution order to exceed the losses directly caused by the defendant.

Another question concerns the appropriate victim entitled to restitution. Generally, any person or entity injured by a criminal act is entitled to restitution.[18] If the victim is insured against the loss the financially injured party is the insurance company, and most states permit the insurance company to recover restitution from the offender. However, a recent Oregon case, State v. Getsinger,[19] concluded that insurance companies are not eligible to recover restitution payments. The Oregon court reasoned that the state statute only permitted direct victims of a crime to receive restitution, and held that the insurance company was not a direct victim since it suffered loss only because the injured party, the insured, did.

If a person suffers injuries which are a direct consequence of the offender's crime and that person is considered to be the immediate victim, how extensive should the restitution order be? In People v. Miller[20] the first victim who was defrauded of $821 is clearly entitled to recover that amount as restitution. What if that victim contends that in addition to the direct loss of $821 he was injured further by the pain and suffering he was made to endure as a result of the defendant's criminal acts? Pain and suffering, loss of wages, etc., are all compensible losses in civil proceedings. Should they be included in a restitution order as well? Most courts in examining this question have ruled that a victim is entitled to restitution only for losses that have a direct and easily measurable dollar value.[21] These courts reason that the defendant is not given the benefit of a civil trial on the issue of damages and thus a determination of unliquidated damages (damages without easily measurable dollar values) would involve mere guesswork on the part of trial courts. Although courts have indicated an unwillingness to determine unliquidated damages in assessing restitution, they still have had difficulty in determining the value of the victim's loss. For example, if a window is broken and a house burglarized and several items in the house taken, how is a court to determine the amount of loss suffered by the victim? The courts have suggested several methods which should be considered in determining value, among which are the cost to repair or replace the items damaged or taken, the market value of the item taken or destroyed, the difference in value or property before and after the crime took place, etc.[22]

Another question which arises is how to assess responsibility for a loss caused by multiple offenders. Again, the states have not uniformly resolved this question. Some courts state that multiple offenders are jointly and individually liable for all injuries which result from their criminal activities.[23] Thus each offender is individually liable for the entire amount of loss and all offenders are jointly liable for the entire loss. Other states have decided that when there are multiple offenders, each offender should be required to pay his pro rata share of the losses.[24] Thus, if there are four offenders, each offender would be required to pay one-fourth of the victim's loss. Still other states have indicated that where there are multiple offenders it is appropriate for the trial court to conduct a fact-finding hearing to determine the degree of responsibility each of the offenders must bear for purposes of the restitution order.

The most logical approach is for the trial court to presume that where there are multiple offenders, they are proportionately liable for the losses caused by their criminal acts. This presumption could be rebutted, however, by a showing that one of the offenders was more responsible for the victim's loss than any other offender.

Summary

Many issues are raised when considering the scope and amount of restitution orders. From an examination of the case law it appears that the states have failed to resolve these issues uniformly. In considering this question, it is important to realize the difference between restitution and an award of civil damages. A criminal court determines whether an offender has committed certain acts which violate the public interest. Once an offender is convicted, the court may order restitution in an effort to rehabilitate an offender by making the offender aware of the loss his acts have caused and making the offender feel a sense of responsibility for remedying those acts. This order also serves the function of compensating the victim of the crime for losses he has suffered. However, by ordering restitution the criminal court is not determining the civil liability of the offender to the victim of his crime. That is not the issue of the criminal trial and that is not the purpose of a criminal proceeding.

When a state has case law on the appropriate scope of a restitution order, it would be presumptuous to suggest that a new restitution program adopt regulations other than those required by its state law. The following guidelines are suggested for restitution programs in states with no case law on the subject.

A defendant should only be required to pay restitution for losses which are a direct consequence of his criminal acts. Serious due process problems are raised when a defendant is ordered to pay restitution for losses caused by acts for which he has never been convicted.

A victim who has suffered loss as a result of the defendant's acts should be entitled to restitution if those acts were a direct cause of his loss. When a victim is insured for a loss, the insurance company is the party who actually bears the loss, and thus should be entitled to recover restitution. Restitution serves the purpose of making the offender aware of the loss his acts have caused whether the victim is a person or an insurance company.

Unliquidated damages, e.g., pain and suffering, should not be an appropriate basis of a restitution order unless the defendant admits his liability for this amount. For liquidated damages, i.e., those with a measurable monetary value, any method of valuation of loss commonly used in civil proceedings would be appropriate for determining the amount of restitution, e.g., cost to repair or replace an item which has been broken or stolen.

As far as injured victims are concerned, the best means to recover their losses are in civil rather than criminal proceedings. In civil court, the injured party can obtain a judgment against the offender which then may be enforced by the appropriate civil procedures. When an offender is ordered to pay restitution to a victim by a criminal court, the method of enforcement is to revoke the offender's probation. However, the victim must remember that if the offender is placed on probation with the requirement of restitution, the victim is likely to recover some compensation for his injury. If, on the other hand, the offender is incarcerated, the victim may be able to obtain a judgement in a civil court, but the judgement will be unenforceable at least for the period of time that the offender is incarcerated.

Method and Enforcement of the Order of Restitution

The criminal court generally has the power to revoke probation if it is shown that a probationer has not met any of the conditions of his probation. In Gagnon v. Scarpelli[25] the Supreme Court held that a person is entitled to due process at probation revocation proceedings. The requirements necessary to comply with due process at this stage of the proceedings are flexible, requiring a balance of the state's and the individual's interests. The court in Gagnon suggested that the defendant be afforded the following rights: written notice of the alleged probation violations, disclosure of the evidence the state

has against him, an opportunity to be heard in person and to present evidence on his own behalf, the right to confront and cross-examine witnesses, a neutral and detached hearing body, and a written statement of facts stating the evidence relied upon in reaching the decision.[26]

In addition to the question of procedural due process, there are questions of substantive due process and equal protection when a person's probation is revoked and he is incarcerated on the basis of his inability to pay restitution. The Supreme Court has held that it is unconstitutional to incarcerate an indigent because of his inability to pay a fine.[27] The question then is whether it is constitutional to incarcerate a defendant for not meeting a restitution requirement, since there was no showing that the defendant would be able to meet that requirement. In People v. Kay,[28] the court held that it was improper to incarcerate a defendant for not meeting a restitution requirement since there was no showing prior to the entry of the order that the defendant would be able to meet the restitution requirement. The court reasoned that ordering restitution when a defendant is unable to meet the requirement, and is likely not to be able to meet it in the future, is the same as imposing a fine, and that it is therefore improper to incarcerate that defendant because of his inability to pay the restitution. Other courts have held that an offender might be incarcerated for failure to comply with a restitution requirement provided that the restitution order can be shown to be fair and reasonable.[29]

Summary

A defendant's right to liberty is at stake at any probation revocation proceeding, and thus he is entitled to minimal requirements of due process.

In addition, to avoid many of the problems associated with noncompliance with court ordered restitution, courts should consider the offender's ability to pay. Where it is clear that an offender is indigent at the time the order is entered and has no prospects of obtaining employment and funds to meet the restitution requirement it would be unconstitutional for the court to incarcerate that individual because of his inability to pay restitution.[30] On the other hand, where the court makes every reasonable effort to accommodate the offender who has the ability to pay restitution, but who fails to do so, the court may constitutionally incarcerate this individual.

FOOTNOTES

1 See Burton Galaway, "Issues in the Use of Restitution as a Sanction for Crime," paper presented at the National Institute on Crime and Delinquency, Minneapolis, Minnesota, June 1975.

2 See, for example, Joe Hudson (ed.), Restitution in Criminal Justice. Based on papers presented at the First International Symposium on Restitution.

3 See Fox, Juvenile Justice Reform: An Historical Perspective, 22, Stanford Law Review, 1187 (1970).

4 F. Allen, The Borderland of Criminal Justice, 16 (1964).

5 112 Ga. App. 297, 144 SE 2d. 918 (1965).

6 70 N.J. 488, 361 A 2d. 513 (1976).

7 Memnpa v. Rhay, 389 U.S. 128 (1968).

8 Gagnon v. Scarpelli, 411 U.S. 778, 93 S.Ct. 1756 (1973).

9 Morrissey v. Brewer, 408 U.S. 471, 92 S.Ct. 2593 (1972).

10 131 Cal. Rptr. 537.

11 See text pp. 6-7. Illinois and Michigan do not require that a restitution order be predicated upon the offender's ability to pay. People v. Tidwell, 338 N.E. 2d. 13 (Ill. 1975), People v. Gallagher, 223 N.W. 2d. 92. (Mich. 1974). On the other hand, New York and Vermont hold that the order requiring restitution must consider the offender's ability to pay. People v. Olftus, 356 N.Y.S. 2d. 791 (1974); State v. Benoit, 313 A 2d. 387 (Vt. 1973).

12 See Tate v. Short, 401 U.S. 395 (1971).

13 State v. Benoit, Supra note 11.

14 The question of unliquidated damage is discussed in the text at page 11. For further discussion see Dobbs, Remedies, p. 544.

15 California is the most noticeable of the states, see People v. Lent, 541 P 2d. 545, 124 Cal. Rptr. 905 (1975), People v. Miller, 64 Cal. Rptr. 20 (1967). See also, People v. Good 282 N.W. 920 (1928).

16 64 Cal. Rptr. 20 (1967).

17 People v. Becker, 349 Mich. 476, 84 N.W. 2d. 833 (1957); State v. Scherr, 552 P 2d. 829 (1976).

18 See New Jersey Statute Annotated 2A: 168-1; California Penal Code Section 1203.1.

19 556 P 2d. 147 (1976).

20 Supra, note 15.

21 People v. Becker, 349 Mich. 476, 84 N.W. 2d. 833 (1957); People v. Mahle, 312 N.E. 2d. 367 (Ill. 1974).

22 People v. Gallagher, 223 N.W. 2d. (1974); People v. Tidwell, 338 N.E. 2d. 113 (Ill. 1975).

23 People v. Kay, Cal. Rptr. 894 (1973); People v. Flores, 17 Cal. Rptr. 382 (1961); People v. Peterson, 233 N.W. 2d. 250 (1975).

24 In the Interest of D.G.W., 361 A 2d. 513 (1976).

25 Supra, note 5.

26 Gagnon v. Scarpelli, supra note 5, In the Interest of D.G.W., note 23.

27

27 Tate v. Short, 401 U.S. 395 (1971); Williams v. Illinois, 399 U.S. 325 (1967).

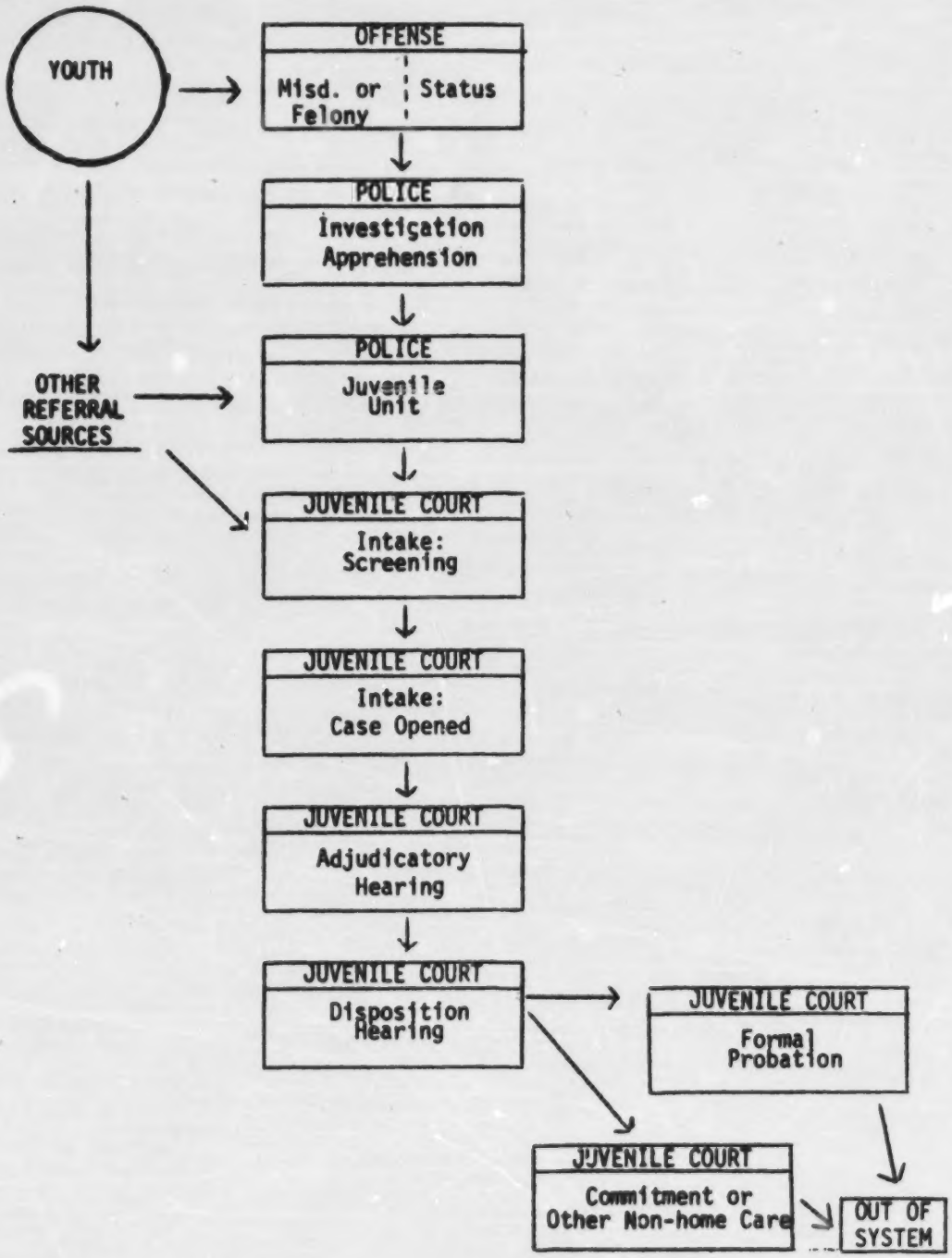
28 People v. Kay, 111 Cal. Rptr. 894 (1973), See also State v. Benoit, supra note 11.

29 People v. Tidwell, 338 N.E. 2nd 113 (1975).

30 Tate v. Short and Williams v. Illinois, supra note 27.

APPENDIX III

JUVENILE JUSTICE SYSTEM: SIMPLIFIED FLOWCHART



OMB Approval No. 29-R0218

FEDERAL ASSISTANCE

2. APPLICANT'S APPLICATION	a. NUMBER	3. STATE APPLICATION IDENTIFIER	a. NUMBER
	b. DATE Year month day 19		b. DATE ASSIGNED Year month day 19
Leave Blank			

SECTION I—APPLICANT/RECIPIENT DATA

1. TYPE OF ACTION (Mark appropriate box)
- ☐ PREAPPLICATION
- ☐ APPLICATION
- ☐ NOTIFICATION OF INTENT (Opt.)
- ☐ REPORT OF FEDERAL ACTION

4. LEGAL APPLICANT/RECIPIENT
- a. Applicant Name :
- b. Organization Unit :
- c. Street/P.O. Box :
- d. City :
- e. County :
- f. State :
- g. ZIP Code:
- h. Contact Person (Name & telephone No.) :

5. FEDERAL EMPLOYER IDENTIFICATION NO.

6. PROGRAM (From Federal Catalog)
- a. NUMBER
- b. TITLE

7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT

8. TYPE OF APPLICANT/RECIPIENT
A-State; B-Interstate; C-Substate District; D-County; E-City; F-School District; G-Special Purpose District; H-Community Action Agency; I-Higher Educational Institution; J-Indian Tribe; K-Other (Specify):
Enter appropriate letter ☐

9. TYPE OF ASSISTANCE
A-Basic Grant; B-Supplemental Grant; C-Loan; D-Insurance; E-Other
Enter appropriate letter(s) ☐☐

10. AREA OF PROJECT IMPACT (Names of cities, counties, States, etc.)

11. ESTIMATED NUMBER OF PERSONS BENEFITING

12. TYPE OF APPLICATION
A-New; B-Renewal; C-Revision; D-Continuation; E-Augmentation
Enter appropriate letter ☐

13. PROPOSED FUNDING

a. FEDERAL	$	.00
b. APPLICANT		.00
c. STATE		.00
d. LOCAL		.00
e. OTHER		.00
f. TOTAL	$	.00

14. CONGRESSIONAL DISTRICTS OF:
- a. APPLICANT
- b. PROJECT

15. TYPE OF CHANGE (For 18c or 18e)
A-Increase Dollars; B-Decrease Dollars; C-Increase Duration; D-Decrease Duration; E-Cancellation; F-Other (Specify):
Enter appropriate letter(s) ☐☐☐

16. PROJECT START DATE Year month day 19

17. PROJECT DURATION Months

18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY ▶ Year month day 19

19. EXISTING FEDERAL IDENTIFICATION NUMBER

20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP code)

21. REMARKS ADDED ☐ Yes ☐ No

SECTION II—CERTIFICATION

22. THE APPLICANT CERTIFIES THAT ▶
a. To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.

b. If required by OMB Circular A-95 this application was submitted, pursuant to instructions therein, to appropriate clearinghouses and all responses are attached:

	No response	Response attached
(1)	☐	☐
(2)	☐	☐
(3)	☐	☐

23. CERTIFYING REPRESENTATIVE
- a. TYPED NAME AND TITLE
- b. SIGNATURE
- c. DATE SIGNED Year month day 19

SECTION III—FEDERAL AGENCY ACTION

24. AGENCY NAME

25. APPLICATION RECEIVED Year month day 19

26. ORGANIZATIONAL UNIT

27. ADMINISTRATIVE OFFICE

28. FEDERAL APPLICATION IDENTIFICATION

29. ADDRESS

30. FEDERAL GRANT IDENTIFICATION

31. ACTION TAKEN
- ☐ a. AWARDED
- ☐ b. REJECTED
- ☐ c. RETURNED FOR AMENDMENT
- ☐ d. DEFERRED
- ☐ e. WITHDRAWN

32. FUNDING

a. FEDERAL	$	.00
b. APPLICANT		.00
c. STATE		.00
d. LOCAL		.00
e. OTHER		.00
f. TOTAL	$	.00

33. ACTION DATE ▶ Year month day 19

34. STARTING DATE Year month day 19

35. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)

36. ENDING DATE Year month day 19

37. REMARKS ADDED ☐ Yes ☐ No

38. FEDERAL AGENCY A-95 ACTION
a. In taking above action, any comments received from clearinghouses were considered. If agency response is due under provisions of Part 1, OMB Circular A-95, it has been or is being made.

b. FEDERAL AGENCY A-95 OFFICIAL (Name and telephone no.)

GENERAL INSTRUCTIONS

This is a multi-purpose standard form. First, it will be used by applicants as a required facesheet for pre-applications and applications submitted in accordance with Federal Management Circular 74–7. Second, it will be used by Federal agencies to report to Clearinghouses on major actions taken on applications reviewed by clearinghouses in accordance with OMB Circular A–95. Third, it will be used by Federal agencies to notify States of grants-in-aid awarded in accordance with Treasury Circular 1082. Fourth, it may be used, on an optional basis, as a notification of intent from applicants to clearinghouses, as an early initial notice that Federal assistance is to be applied for (clearinghouse procedures will govern).

APPLICANT PROCEDURES FOR SECTION I

Applicant will complete all items in Section I. If an item is not applicable, write "NA". If additional space is needed, insert an asterisk "*", and use the remarks section on the back of the form. An explanation follows for each item:

Item

1. Mark appropriate box. Pre-application and application guidance is in FMC 74–7 and Federal agency program instructions. Notification of intent guidance is in Circular A–95 and procedures from clearinghouse. Applicant will not use "Report of Federal Action" box.

2a. Applicant's own control number, if desired.

2b. Date Section I is prepared.

3a. Number assigned by State clearinghouse, or if delegated by State, by areawide clearinghouse. All requests to Federal agencies must contain this identifier if the program is covered by Circular A–95 and required by applicable State/areawide clearinghouse procedures. If in doubt, consult your clearinghouse.

3b. Date applicant notified of clearinghouse identifier.

4a–4h. Legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request.

5. Employer identification number of applicant as assigned by Internal Revenue Service.

6a. Use Catalog of Federal Domestic Assistance number assigned to program under which assistance is requested. If more than one program (e.g., joint-funding) write "multiple" and explain in remarks. If unknown, cite Public Law or U.S. Code.

6b. Program title from Federal Catalog. Abbreviate if necessary.

7. Brief title and appropriate description of project. For notification of intent, continue in remarks section if necessary to convey proper description.

8. Mostly self-explanatory. "City" includes town, township or other municipality.

9. Check the type(s) of assistance requested. The definitions of the terms are:

   A. Basic Grant. An original request for Federal funds. This would not include any contribution provided under a supplemental grant.

   B. Supplemental Grant. A request to increase a basic grant in certain cases where the eligible applicant cannot supply the required matching share of the basic Federal program (e.g., grants awarded by the Appalachian Regional Commission to provide the applicant a matching share).

   C. Loan. Self explanatory.

Item

   D. Insurance. Self explanatory.

   E. Other. Explain on remarks page.

10. Governmental unit where significant and meaningful impact could be observed. List only largest unit or units affected, such as State, county, or city. If entire unit affected, list it rather than subunits.

11. Estimated number of persons directly benefiting from project.

12. Use appropriate code letter. Definitions are:

   A. New. A submittal for the first time for a new project.

   B. Renewal. An extension for an additional funding/budget period for a project having no projected completion date, but for which Federal support must be renewed each year.

   C. Revision. A modification to project nature or scope which may result in funding change (increase or decrease).

   D. Continuation. An extension for an additional funding/budget period for a project the agency initially agreed to fund for a definite number of years.

   E. Augmentation. A requirement for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged.

13. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of the change. For decreases enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 13a, amount requested from Federal Government; 13b, amount applicant will contribute; 13c, amount from State, if applicant is not a State; 13d, amount from local government, if applicant is not a local government; 13e, amount from any other sources, explain in remarks.

14a. Self explanatory.

14b. The district(s) where most of actual work will be accomplished. If city-wide or State-wide, covering several districts, write "city-wide" or "State-wide."

15. Complete only for revisions (item 12c), or augmentations (item 12e).

Item	
16.	Approximate date project expected to begin (usually associated with estimated date of availability of funding).
17.	Estimated number of months to complete project after Federal funds are available.
18.	Estimated date preapplication/application will be submitted to Federal agency if this project requires clearinghouse review. If review not required, this date would usually be same as date in item 2b.
19.	Existing Federal identification number if this is not a new request and directly relates to a previous Federal action. Otherwise write "NA".
20.	Indicate Federal agency to which this request is addressed. Street address not required, but do use ZIP.
21.	Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached.

APPLICANT PROCEDURES FOR SECTION II

Applicants will always complete items 23a, 23b, and 23c. If clearinghouse review is required, item 22b must be fully completed. An explanation follows for each item:

Item	
22b.	List clearinghouses to which submitted and show in appropriate blocks the status of their responses. For more than three clearinghouses, continue in remarks section. All written comments submitted by or through clearinghouses must be attached.
23a.	Name and title of authorized representative of legal applicant.
23b.	Self explanatory.
23c.	Self explanatory.
Note:	Applicant completes only Sections I and II. Section III is completed by Federal agencies.

FEDERAL AGENCY PROCEDURES FOR SECTION III

If applicant-supplied information in Sections I and II needs no updating or adjustment to fit the final Federal action, the Federal agency will complete Section III only. An explanation for each item follows:

Item	
24.	Executive department or independent agency having program administration responsibility.
25.	Self explanatory.
26.	Primary organizational unit below department level having direct program management responsibility.
27.	Office directly monitoring the program.
28.	Use to identify non-award actions where Federal grant identifier in item 30 is not applicable or will not suffice.
29.	Complete address of administering office shown in item 26.
30.	Use to identify award actions where different from Federal application identifier in item 28.
31.	Self explanatory. Use remarks section to amplify where appropriate.
32.	Amount to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 32a, amount awarded by Federal Government; 32b, amount applicant will contribute; 32c, amount from State, if applicant is not a State; 32d, amount from local government if applicant is not a local government; 32e, amount from any other sources, explain in remarks.
33.	Date action was taken on this request.
34.	Date funds will become available.
35.	Name and telephone no. of agency person who can provide more information regarding this assistance.
36.	Date after which funds will no longer be available.
37.	Check appropriate box as to whether Section IV of form contains Federal remarks and/or attachment of additional remarks.
38.	For use with A–95 action notices only. Name and telephone of person who can assure that appropriate A–95 action has been taken—If same as person shown in item 35, write "same". If not applicable, write "NA".

Federal Agency Procedures—special considerations

A. *Treasury Circular 1082 compliance.* Federal agency will assure proper completion of Sections I and III. If Section I is being completed by Federal agency, all applicable items must be filled in. Addresses of State Information Reception Agencies (SCIRA's) are provided by Treasury Department to each agency. This form replaces SF 240, which will no longer be used.

B. *OMB Circular A–95 compliance.* Federal agency will assure proper completion of Sections I, II, and III. This form is required for notifying all reviewing clearinghouses of major actions on all programs reviewed under A–95. Addresses of State and areawide clearinghouses are provided by OMB to each agency. Substantive differences between applicant's request and/or clearinghouse recommendations, and the project as finally awarded will be explained in A–95 notifications to clearinghouses.

C. *Special note.* In most, but not all States, the A–95 State clearinghouse and the (TC 1082) SCIRA are the same office. In such cases, the A–95 *award* notice to the State clearinghouse will fulfill the TC 1082 award notice requirement to the State SCIRA. Duplicate notification should be avoided.

c70–16–83499–1 GPO

FORM APPROVED
OMB NO. 43-R0528

PART II

PROJECT APPROVAL INFORMATION

Item 1.
Does this assistance request require State, local, regional, or other priority rating?
_____ Yes _____ No

Name of Governing Body _____
Priority Rating _____

Item 2.
Does this assistance request require State, or local advisory, educational or health clearances?
_____ Yes _____ No

Name of Agency or Board _____
(Attach Documentation)

Item 3.
Does this assistance request require clearinghouse review in accordance with OMB Circular A-95?
_____ Yes _____ No

(Attach Comments)

Item 4.
Does this assistance request require State, local, regional or other planning approval?
_____ Yes _____ No

Name of Approving Agency _____
Date _____

Item 5.
Is the proposed project covered by an approved comprehensive plan?
_____ Yes _____ No

Check one: State ☐
Local ☐
Regional ☐
Location of Plan _____

Item 6.
Will the assistance requested serve a Federal installation?
_____ Yes _____ No

Name of Federal Installation _____
Federal Population benefiting from Project _____

Item 7.
Will the assistance requested be on Federal land or installation?
_____ Yes _____ No

Name of Federal Installation _____
Location of Federal Land _____
Percent of Project _____

Item 8.
Will the assistance requested have an impact or effect on the environment?
_____ Yes _____ No

See instructions for additional information to be provided.

Item 9.
Will the assistance requested cause the displacement of individuals, families, businesses, or farms?
_____ Yes _____ No

Number of:
Individuals _____
Families _____
Businesses _____
Farms _____

Item 10.
Is there other related assistance on this project previous, pending, or anticipated?
_____ Yes _____ No

See instructions for additional information to be provided.

LEAA FORM 4000/3 (Rev. 5-76)
Attachment to SF-424

(LEAA FORM 4000/3 (Rev. 8-74) is obsolete.)

INSTRUCTIONS

PART II

Negative answers will not require an explanation unless the Federal agency requests more information at a later date. Provide supplementary data for all "Yes" answers in the space provided in accordance with the following instructions:

Item 1 – Provide the name of the governing body establishing the priority system and the priority rating assigned to this project.

Item 2 – Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval.

Item 3 – Attach the clearinghouse comments for the application in accordance with the instructions contained in Office of Management and Budget Circular No. A-95. If comments were submitted previously with a preapplication, do not submit them again but any additional comments received from the clearinghouse should be submitted with this application.

Item 4 – Furnish the name of the approving agency and the approval date.

Item 5 – Show whether the approved comprehensive plan is State, local or regional, or if none of these, explain the scope of the plan. Give the location where the approved plan is available for examination and state whether this project is in conformance with the plan.

Item 6 – Show the population residing or working on the Federal installation who will benefit from this project.

Item 7 – Show the percentage of the project work that will be conducted on federally-owned or leased land. Give the name of the Federal installation and its location.

Item 8 – Describe briefly the possible beneficial and harmful impact on the environment of the proposed project. If an adverse environmental impact is anticipated, explain what action will be taken to minimize the impact. Federal agencies will provide separate instructions if additional data is needed.

Item 9 – State the number of individuals, families, businesses, or farms this project will displace. Federal agencies will provide separate instructions if additional data is needed.

Item 10 – Show the Federal Domestic Assistance Catalog number, the program name, the type of assistance, the status and the amount of each project where there is related previous, pending or anticipated assistance. Use additional sheets, if needed.

[No grant may be awarded unless a completed application form has been received. (Sec. 501, P.L. 93-83)]

PART III – BUDGET INFORMATION

SECTION A – BUDGET SUMMARY

Grant Program, Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6. Object Class Categories	– Grant Program, Function or Activity				Total
	(1)	(2)	(3)	(4)	(5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges					
j. Indirect Charges					
k. TOTALS	$	$	$	$	$
7. Program Income	$	$	$	$	$

INSTRUCTIONS

PART III

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may not require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary
Lines 1-4, Columns (a) and (b).

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to *multiple* programs where *none* of the programs *require* a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g).

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period *only* if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should *not* equal the sum of amounts in Columns (e) and (f).

Line 5 – Show the totals for all columns used.

Section B. Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets were prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-h – Show the estimated amount for each direct cost budget (object class) category for each column with program, function or activity heading.

Line 6i – Show the totals of Lines 6a to 6h in each column.

Line 6j – Show the amount of indirect cost. Refer to FMC 74-4.

Line 6k – Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5. When additional sheets were prepared, the last two sentences apply only to the first page with summary totals.

Line 7 – Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the Federal grantor agency in determining the total amount of the grant.

SECTION C – NON-FEDERAL RESOURCES

(a) Grant Program	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS	$	$	$	$

SECTION D – FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. Non-Federal					
15. TOTAL	$	$	$	$	$

SECTION E – BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS	$	$	$	$

SECTION F – OTHER BUDGET INFORMATION

(Attach additional Sheets If Necessary)

21. Direct Charges:

22. Indirect Charges:

23. Remarks:

INSTRUCTIONS

PART III
(continued)

Section C. Source of Non-Federal Resources

Line 8-11 – Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet. (See Attachment F, FMC 74-7.

Column (a) – Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b) – Enter the amount of cash and in-kind contributions to be made by the applicant as shown in Section A. (See also Attachment F, FMC 74-7.

Column (c) – Enter the State contribution if the applicant is *not* a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d) – Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e) – Enter totals of Columns (b), (c), and (d).

Line 12 – Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13 – Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14 – Enter the amount of cash from all other sources needed by quarter during the first year.

LEAA Instructions

Applicants must provide on a separate sheet(s) a budget narrative which will detail by budget category, the federal and nonfederal (in-kind and cash) share. The grantee cash contribution should be identified as to its source, i.e., funds appropriated by a state or local unit of government or donation from a private source. The narrative should relate the items budgeted to project activities and should provide a justification and explanation for the budgeted items including the criteria and data used to arrive at the estimates for each budget category.

Line 15 – Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16-19 – Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuing grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This Section need not be completed for amendments, changes, or supplements to funds for the current year of existing grants.

If more than four lines are needed to list the program titles submit additional schedules as necessary.

Line 20 – Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F – Other Budget Information.

Line 21 – Use this space to explain amounts for individual direct object cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22 – Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23 – Provide any other explanations required herein or any other comments deemed necessary.

PART IV
PROGRAM NARRATIVE

Prepare the program narrative statement in accordance with the following instructions for all new grant programs. Requests for continuation or refunding and changes on an approved project should respond to item 5b only. Requests for supplemental assistance should respond to question 5c only.

1. OBJECTIVES AND NEED FOR THIS ASSISTANCE.

Pinpoint any relevant physical, economic, social, financial, institutional, or other problems requiring a solution. Demonstrate the need for assistance and state the principal and subordinate objectives of the project. Supporting documentation or other testimonies from concerned interests other than the applicant may be used. Any relevant data based on planning studies should be included or footnoted.

2. RESULTS OR BENEFITS EXPECTED.

Identify results and benefits to be derived. For example, when applying for a grant to establish a neighborhood health center provide a description of who will occupy the facility, how the facility will be used, and how the facility will benefit the general public.

3. APPROACH.

a. Outline a plan of action pertaining to the scope and detail of how the proposed work will be accomplished for each grant program, function or activity, provided in the budget. Cite factors which might accelerate or decelerate the work and your reason for taking this approach as opposed to others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

b. Provide for each grant program, function or activity, quantitative monthly or quarterly projections of the accomplishments to be achieved in such terms as the number of jobs created; the number of people served; and the number of patients treated. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

c. Identify the kinds of data to be collected and maintained and discuss the criteria to be used to evaluate the results and successes of the project. Explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified in item 2 are being achieved.

d. List organizations, cooperators, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

4. GEOGRAPHIC LOCATION.

Give a precise location of the project or area to be served by the proposed project. Maps or other graphic aids may be attached.

5. IF APPLICABLE, PROVIDE THE FOLLOWING INFORMATION:

a. For research or demonstration assistance requests, present a biographical sketch of the program director with the following information; name, address, phone number, background, and other qualifying experience for the project. Also, list the name, training and background for other key personnel engaged in the project.

b. Discuss accomplishments to date and list in chronological order a schedule of accomplishments, progress or milestones anticipated with the new funding request. If there have been significant changes in the project objectives, location approach, or time delays, explain and justify. For other requests for changes or amendments, explain the reason for the change(s). If the scope or objectives have changed or an extension of time is necessary, explain the circumstances and justify. If the total budget has been exceeded, or if individual budget items have changed more than the prescribed limits contained in Attachment K to FMC 74-7, explain and justify the change and its effect on the project.

c. For supplemental assistance requests, explain the reason for the request and justify the need for additional funding.

PART V

ASSURANCES

The Applicant hereby assures and certifies that he will comply with the regulations, policies, guidelines, and requirements, including OMB Circular No. A-95 and FMCs 74-4 and 74-7, as they relate to the application, acceptance and use of Federal funds for this federally assisted project. Also the Applicant assures and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

2. It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.

3a. It will comply with the provisions of 28 C.F.R. 42.101 et seq. prohibiting discrimination based on race, color or national origin by or through its contractual arrangements. If the grantee is an institution or a governmental agency, office or unit then this assurance of nondiscrimination by race, color or national origin extends to discrimination anywhere in the institution or governmental agency, office, or unit.

3b. If the grantee is a unit of state or local government, state planning agency or law enforcement agency, it will comply with Title VII of the Civil Rights Act of 1964, as amended, and 28 C.F.R. 42.201 et seq. prohibiting discrimination in employment practices based on race, color, creed, sex or national origin. Additionally, it will obtain assurances from all subgrantees, contractors and subcontractors that they will not discriminate in employment practices based on race, color, creed, sex or national origin.

3c. It will comply with and will insure compliance by its subgrantees and contractors with Title I of the Crime Control Act of 1973, Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to regulations of the Department of Justice (28 C.F.R. Part 42) such that no person, on the basis of race, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity funded by LEAA.

4. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.

5. It will comply with the provisions of the Hatch Act which limit the political activity of employees.

6. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

7. It will give the grantor agency or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant.

8. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with FMC 74-7.

9. It will comply with the provision of 28 CFR Part 20 regulating the privacy and security of criminal history information systems.

10. All published material and written reports submitted under this grant or in conjunction with the third party agreements under this grant will be originally developed material unless otherwise specifically provided for in the grant document. Material not originally developed included in reports will have the source identified either in the body of the report or in a footnote, whether the material is in a verbatim or extensive paraphrase format. All published material and written reports shall give notice that funds were provided under an LEAA grant.

11. Requests for proposal or invitations for bid issued by the grantee or a subgrantee to implement the grant or subgrant project will provide notice to prospective bidders that the LEAA organizational conflict of interest provision is applicable in that contractors that develop or draft specifications, requirements, statements of work and/or RFP's for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement.

APPENDIX V ADDRESSES OF STATE PLANNING AGENCIES

ALABAMA
Robert G. Davis, Director
Alabama Law Enforcement Planning Agency
2853 Fairlane Drive
Bufleing F, Suite 49
Executive Park
Montgomery, AL 36116
205/277-5440 FTS 534-7700

ALASKA
Charles G. Adams, Jr., Executive Director
Office of Criminal Justice Planning
Pouch AJ
Juneau, AK 99801
907/465-3535 FTS 399-0150
Thru Seattle FTS 206/442-0150

AMERICAN SAMOA
Judith A. O'Connor, Director
Territorial Criminal Justice Planning Agency
Office of the Attorney General
Government of American Samoa
Box 7
Pago Pago, American Samoa 96799
633-5222 (Overseas Operator)

ARIZONA
Ernesto G. Munoz, Executive Director
Arizona State Justice Planning Agency
Continental Plaza Building, Suite M
5119 North 19th Avenue
Phoenix, AZ 85015
602/271-5466 FTS 765-5466

ARKANSAS
Gerald W. Johnson, Executive Director
Arkansas Crime Commission
1515 Building
Suite 700
Little Rock, AR 72202
501/371-1305 FTS 740-5011

CALIFORNIA
Douglas R. Cunningham, Executive Director
Office of Criminal Justice Planning
7171 Bowling Drive
Sacramento, CA 95823
916/445-9156 FTS 465-9156

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Paul G. Quinn, Executive Director
Division of Criminal Justice
Department of Local Affairs
1313 Sherman Street, Room 419
Denver, CO 80203
303/839-3331 FTS 327-0111

CONNECTICUT
William H. Carbone, Executive Director
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75 Elm Street
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203/566-3020

DELAWARE
Christine Harker, Executive Director
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1228 North Scott Street
Wilmington, DE 19806
302/571-3431

DISTRICT OF COLUMBIA
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Munsey Building, Room 200
1329 E Street, NW
Washington, DC 20004
202/629-5063

FLORIDA
Charles R. Davoli, Bureau Chief
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620 S. Meridian Street
Tallahassee, FL 32304
904/488-6001 FTS 946-2011
(Auto. Tel. 487-1725)

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Jim Higdon, Administrator
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3400 Peachtree Road, NE, Suite 625
Atlanta, GA 30326
404/894-4410 FTS 285-0111

GUAM
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Office of the Governor
Soledad Drive
Amistad Bldg., Room 4, 2nd Floor
Agana, GU 96910
472-8781 (Overseas Operator)

HAWAII
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State Law Enforcement and Juvenile Delinquency
Planning Agency
1010 Richards Street
Kamamalu Building, Room 412
Honolulu, HI 96813
808/548-3800 FTS 556-0220

IDAHO
Kenneth N. Green, Bureau Chief
Law Enforcement Planning Commission
700 West State Street
Boise, ID 83720
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ILLINOIS
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Illinois Law Enforcement Commission
120 South Riverside Plaza, 10th Floor
Chicago, IL 60606
312/454-1560

APPENDIX V (CONT'D)

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215 North Senate
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317/633-4773 FTS 336-4773

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Lucas State Office Building
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515/281-3241 FTS 863-3241

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503 Kansas Avenue, 2nd Floor
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913/296-3066 FTS 757-3066

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Executive Office of Staff Services
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State Office Building Annex, 2nd Floor
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LOUISIANA
Wingate M. White, Director
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1885 Wooddale Boulevard, Room 615
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Ted T. Trott, Executive Director
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11 Parkwood Drive
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207/289-3361

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Governor's Commission on Law Enforcement
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Executive Plaza One, Suite 302
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301/666-9610

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110 Tremont Street, 4th Floor
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430 Jeanell - Capitol Complex
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702/885-4404

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APPENDIX V (CONT'D)

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803/758-3573 FTS 677-5011
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Charles H. Hill, Sr., Executive Director
Wis. Council on Criminal Justice
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Madison, WI 53702
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Governor's Planning Committee on
Criminal Administration
Barrett Building, 4th Floor
Cheyenne, WY 82002
307/777-7716 FTS 328-9716

APPENDIX VI

DIRECTORY OF STATE CLEARINGHOUSES AND STATE CENTRAL INFORMATION RECEPTION AGENCIES (For A-95/TC-1082 use)

The following addressees should be sent federal assistance action notices in compliance with Circular TC-1082, for State Central Information Reception Agencies (SCIRAs). Note that in 44 states the address of the State Clearinghouses and SCIRA is the same and a single notification will suffice when both A-95 and TC-1082 compliance (at state level) is required. Appropriate area-wide clearinghouse addressees must also be informed as applicable under A-95. At this writing, the State Clearinghouse and the SCIRA are different addressees in the States of Vermont, New Jersey, Illinois, Colorado, Nevada and Hawaii. This list will be updated periodically.

ALABAMA
Alabama Development Office
State Office Building
Montgomery, Alabama 36104

ALASKA
Planning and Research Div.
Office of the Governor
Pouch AD, State Capitol
Juneau, Alaska 99801

ARIZONA
Dept. of Economic Planning
and Development
Arizona State Clearinghouse
1624 West Adams Street
Phoenix, Arizona 85007

ARKANSAS
Department of Planning
400 Train Station Square
Little Rock, Arkansas 72201

CALIFORNIA
Office of the Governor
Office of Planning and Research
1400 Tenth Street
Sacramento, California 95814

COLORADO (2)
(1) State Clearinghouse:
Division of Planning
Department of Local Affairs
1845 Sherman Street
Denver, Colorado 80203

(2) SCIRA:
Office of State Planning and
Budgeting
Non-State Funds Section
617 State Services Building
Denver, Colorado 80203

CONNECTICUT
Office of Intergovernmental Programs
340 Capitol Avenue
Hartford, Connecticut 06115

DELAWARE
State Planning Office
Thomas Collins Building
530 S. Dupont Highway
Dover, Delaware 19901

INDIANA
State Budget Agency
212 State House
Indianapolis, Indiana 46204

IOWA
Office of Planning and
Programming
523 East 12th Street
Des Moines, Iowa 50319

KANSAS
Division of Planning and
Research
Department of Administration
State Office Building
Topeka, Kansas 66612

FLORIDA
Bureau of Intergovernmental Relations
Division of State Planning
660 Apalachee Parkway
Tallahassee, Florida 32304

GEORGIA
Office of Planning and Budget
Attention: Clearinghouse
270 Washington Street, S.W.
Atlanta, Georgia 30334

HAWAII (2)
(1) State Clearinghouse:
Department of Planning and Economic Development
P.O. Box 2359
Honolulu, Hawaii 96804

(2) SCIRA:
State of Hawaii
Department of Budget and Finance
P.O. Box 150
Honolulu, Hawaii 96810

KENTUCKY
State Clearinghouse
Office for Local Government
Capitol Annex, Room 327
Frankfort, Kentucky 40601

IDAHO
Division of Budget, Policy Planning and Coordination
State House
Boise, Idaho 83720

ILLINOIS (2)
(1) State Clearinghouse:
State Clearinghouse
Bureau of the Budget
103 State House
Springfield, Illinois 62706

(2) SCIRA:
State of Illinois
Commission of Intergovernmental Cooperation
217 S. First Street
Springfield, Illinois 62706

MINNESOTA
State Clearinghouse
State Planning Agency
Capitol Square Building, Room 101
St. Paul, Minnesota 55101

MISSISSIPPI
Coordinator Federal-State Programs
Office of the Governor
400 Watkins Building
510 George Street
Jackson, Mississippi 39201

MISSOURI
Office of Administration
State Planning and Analysis Division
P.O. Box 809
State Capitol Building
Jefferson City, Missouri 65101

LOUISIANA
Office of Intergovernmental Relations
P.O. Box 44455
Baton Rouge, Louisiana 70804

MAINE
Executive Department
Main State Clearinghouse
184 State Street
Augusta, Maine 04333

MARYLAND
Department of State Planning
301 W. Preston Street
Baltimore, Maryland 21202

MASSACHUSETTS
Office of State Planning
John Mc Cormack Building
1 Ashburton Place
Boston, Massachusetts 02108

MICHIGAN
Department of Management and Budget
Office of Intergovernmental Relations
Federal Aid Management Division
Lewis Cass Building
Lansing, Michigan 48913

NEW HAMPSHIRE
Coordinator of Federal Funds
State House
Concord, New Hampshire 03301

NEW JERSEY (2)
(1) State Clearinghouse:
Bureau of State and Regional Planning
Department of Community Affairs
329 W. State Street
P.O. Box 2768
Trenton, New Jersey 08625

(2) SCIRA:
Department of Treasury
Bureau of the Budget
State House
Trenton, New Jersey 08625

MONTANA
Research and Information Systems Division
Department of Community Affairs
1424 9th Avenue
Helena, Montana 59601

NEBRASKA
Office of Planning and Programming
Box 94001, State Capitol
Lincoln, Nebraska 68509

NEVADA (2)
(1) State Clearinghouse:
State Planning Coordinator
State Capitol Building
Carson City, Nevada 89701

(2) SCIRA:
State Department of Administration
Blasdale Building, Room 205
Carson City, Nevada 89701

OREGON
Federal Aid Coordinator
Intergovernmental Relations Division
240 Cottage Street
Salem, Oregon 97310

PENNSYLVANIA
State Clearinghouse
Intergovernmental Relations Division
Governor's Office of Budget
P.O. Box 1323
Harrisburg, Pennsylvania 17120

RHODE ISLAND
Statewide Planning Program
Dept. of Administration, Rm. 201
265 Melrose Street
Providence, Rhode Island 02907

NEW MEXICO
State Planning Office
State Capitol
Santa Fe, New Mexico 87501

NEW YORK
State Division of the Budget
State Capitol
Albany, New York 12224

NORTH CAROLINA
Office of Intergovernmental Relations
116 W. Jones Street
Raleigh, North Carolina 27603

NORTH DAKOTA
State Planning Agency
State Capitol
Bismarck, North Dakota 58501

OHIO
Office of Governor
State Clearinghouse
State Office Tower
30 E. Broad Street
Columbus, Ohio 43215

OKLAHOMA
State Grant-in-Aid Clearinghouse
5500 N. Western
Oklahoma City, Oklahoma 73118

VERMONT (2)
(1) State Clearinghouse:
State Planning Office
Pavilion Office Building
Montpelier, Vermont 05602

(2) SCIRA:
Department of Budget and Management
Pavilion Office Building
Montpelier, Vermont 05602

VIRGINIA
Division of State Planning and Community Affairs
1010 Madison Building
Richmond, Virginia 23219

SOUTH DAKOTA
State Planning Bureau
State Capitol
Pierre, South Dakota 57501

SOUTH CAROLINA
State Clearinghouse
Division of Administration
1205 Pendleton Street
Columbia, South Carolina 29201

TENNESSEE
Office of Urban and Federal Affairs
Suite 108, Parkway Towers
404 Robertson Parkway
Nashville, Tennessee 37219

TEXAS
Division of Planning Coordination
Office of the Governor
Capitol Station, P.O. Box 12428
Austin, Texas 78711

UTAH
State Planning Coordinator
118 State Capitol Building
Salt Lake City, Utah 84114

WASHINGTON
Office of Governor
Program Planning and Fiscal Management
House Office Building
Olympia, Washington 98504

WEST VIRGINIA
Grant Information Department
Office of Federal-State Relations
State Capitol Building
Charleston, West Virginia 25305

WISCONSIN
State Clearinghouse/Central Information Reception Agency
Department of Administration
Room B-158, State Office Building
1 West Wilson Street
Madison, Wisconsin 53702

WYOMING
State Planning Coordinator
Office of the Governor
Capitol Building
Cheyenne, Wyoming 82002

DISTRICT OF COLUMBIA
Office of Budget and Management Systems
District Building
14th and E Street, N.W.
Washington, D.C. 20004

PUERTO RICO
Planning Board
P.O. Box 9447
Santurce, Puerto Rico 00908

GUAM
Governor of Guam
Agana, Guam 96910

VIRGIN ISLANDS
Office of the Governor
P.O. Box 599
St. Thomas, Virgin Islands 00801

SAMOA
Planning and Budget Office
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